



March 31, 2017

Submitted electronically to the Federal eRulemaking Portal (www.regulations.gov):

Attention Docket ID Number: DOC-2017-0001

Mr. Carter Halfman
Office of Policy and Strategic Planning
Department of Commerce
H.C. Hoover Building Rm. 5863
1401 Constitution Ave. NW
Washington, DC 20230

RE: U.S. Department of Commerce’s Request for Information on the “Impact of Federal Regulations on Domestic Manufacturing”

Dear Mr. Halfman:

The Vinyl Institute (VI)¹ is pleased to submit this response to the U.S. Department of Commerce’s March 7, 2017 (82 Fed. Reg 12786) Request for Information (RFI) on the impact of Federal regulations on domestic manufacturing.

VI member companies are impacted by a wide variety of regulatory requirements that add unnecessary costs to the utilization of extruded vinyl materials.

As such, VI members look forward to working with the Secretary of Commerce and other Federal agencies to streamline the Federal permitting process for domestic manufacturing and to reduce regulatory burdens affecting domestic manufacturers.

Sincerely,

Richard Krock
Vice President, Regulatory and Technical Affairs

¹ The Vinyl Institute (VI), a U.S. trade association founded in 1982, represents vinyl resin, monomer, and additive producers. The VI serves as the collective voice for the vinyl industry, engaging industry stakeholders in shaping the future of the vinyl industry. More information about the Vinyl Institute can be found on our website: www.vinylinfo.org.

I. Overview and General Information

The VI member and affiliated associations facilities that are the subject of these comments manufacture extruded profiles for windows and doors used in home remodeling. The NAICS code for these facilities is 326199, *All Other Plastics Product Manufacturing*. The facilities are across the United States and number nearly 300. A typical large volume compounding and extruding operation has approximately 100 employees but this can vary significantly depending on the complexity of the facility.

II. Permitting

No comments

III. Regulatory Burden/Compliance

VI's responses to the regulatory burden and compliance questions in the Department of Commerce's Request for Information are provided below.

#1. Please list the top four regulations that you believe are most burdensome for your manufacturing business. Please identify the agency that issues each one. Specific citation of codes from the Code of Federal Regulations would be appreciated.

The most burdensome regulation for customers of vinyl processors for remodeling are as follows:

EPA Lead; Renovation, Repair, and Painting Program (RRP) (40 CFR Part 745) –

“Section 402(c)(3) of TSCA directed the Agency to revise the regulations under Section 402(a) to apply to renovation and remodeling activities that create lead-based paint hazards. In 2008, EPA promulgated regulations for the conduct of renovations for compensation in target housing and child-occupied facilities (codified at 40 C.F.R. Part 745 subpart E). EPA also modified the Pre-Renovation Education (PRE) provisions in 40 C.F.R. Part 745, subpart E.”²

The comments of the American Architectural Manufacturers Association (AAMA), enclosed as **Attachment 1**, detail the burden imposed on customers of vinyl processors, as well as the ultimate consumer. Specifically, the testing requirements in the above-referenced rule on average added \$134.41 to the cost of each vinyl replacement window during remodeling activities conducted in 2016. As AAMA notes, this additional and unnecessary cost is a direct result of:

- a.) the test method used to determine the presence of lead in a home tests at a lower threshold lead level than what the rule requires, thereby producing more false presence of lead results than what

² TSCA Section 402/404 Lead-Based Paint Renovation Program, Dec. 8, 2008.

the rule intends. When this rule went into effect, it was with the expectation of an alternative lead test (a negative versus positive test) in the second year of implementation. EPA has not been able to authorize an alternate test as outlined in the rule.

- b.) EPA eliminated the “opt-out” provision in the original rule, thereby completely relying on the overly conservative test kits described above.
- c.) As a result, the costs to consumers, over and above the projected costs, has increased by over \$1.3 Billion to date. (See the Commentary of AAMA in Attachment 2)

#2. How could regulatory compliance be simplified within your industry or sector?

AAMA has submitted detailed recommendations in comments and other correspondence to EPA on how the compliance requirements for the burdensome regulation identified in the preceding response could be improved and simplified. Specifically, EPA should: (1) provide an approved negative test method for lead; (2) re-evaluate the stringency of renovator certification requirements and record keeping; (3) reinstate the opt-out provisions based on occupant categories; and (4) exempt work when minor window repairs are being done.

#3. Please provide any other specific recommendations, not addressed by the questions above, that you believe would help reduce unnecessary Federal agency regulation of your business.

The industry has over 8 years of experience dealing with field compliance issues stemming from this unnecessary and burdensome requirement. EPA should review any available information and the recommendations included in the attached AAMA documents to tailor relief that reduces the costs and burdens adversely affecting predominantly small contractors, jobs and economic growth.

Vinyl Institute Comments for DOC-2017-0001, Impact of Federal Regulations on Domestic
Manufacturing
March 31, 2017

Attachment 1

August 5, 2016

Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted electronically via website www.regulations.gov

RE: Docket ID EPA-HQ-OPPT-2016-0126
Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3).

The American Architectural Manufacturers Association (AAMA) is a national trade association representing 292 corporate manufacturers and suppliers in the fenestration industry. These comments are in response to the June 9, 2016 Federal Register Notice regarding the Lead; Renovation, Repair, and Painting Program (RRP).

AAMA has made its concerns widely known since 2010 with letters to the EPA and Congress, and participation in EPA webinars. AAMA now offers the following comments:

1. Impact of Current Lead Testing Options

While the current EPA approved lead test kits that are on the market meet the negative testing requirements in the rule (answer to question 23002-23255 in EPA August 11, 2014 FAQ - attached), it is AAMA's understanding that the kits test for the positive presence of lead at levels lower than required by the rule. Though conservative, it would require certain renovation projects to follow and incur the costs of the lead safe work practices (LSWP) that technically would not need to. Additionally, the same FAQ question indicates that the EPA recognized test kits cannot be used on certain substrates (stucco or non-ferrous metals given as examples).

AAMA also understands that an XRF (X-Ray Florescence gun) is the only tool that provides an accurate reading of lead to determine whether or not the presence of lead is at a level that requires the LSWP. However, the cost of the XRF tool is very costly (we have heard estimates of \$5,000 to \$20,000 per XRF) and not practical for many small business renovators.

In summary, this leaves small business renovators with the following options:

- a. Make the presumptive presence of lead in all pre-1978 targeted housing, which automatically adds the cost of the lead safe work practices in renovations where an accurate test may show that lead is not present or at the levels required to follow the rule;

- b. Rely on the current approved test kits understanding that some projects will incur the cost of lead safe work practices that in actuality, would be exempt given the conservative positive lead testing capabilities of the test kits;
- c. Use an expensive XRF, which is not affordable by many small businesses, if they want to truly determine if their renovation project is required to follow the lead safe work practices; or
- d. Submit paint chip samples for outside testing, which takes time and is not necessarily conducive to customer demands for project scheduling.

Additionally, the GAO report of May 21, 2010 (attached) cites the EPA's knowledge of the extraordinary burden placed on consumers due to the unavailability of the improved test kits:

"EPA estimates that the final rule will cost approximately \$500 million in the first year, with the cost expected to drop to approximately \$300 million per year starting with the second year, when improved test kits for detecting the presence of lead-based paint are assumed to become available."

The \$200 million drop projected by the EPA, likely never materialized given that new and improved test kits meeting the criteria in the rule have yet to be developed and approved by the EPA. The extra \$200 millionⁱ per year estimate has grown to \$246.83 million in 2016. Based on inflation rates from mid-2011 through 2016, the estimated cumulative burden to consumers is **over \$1.3 Billion**.

AAMA also refers the EPA to the "EPA Lead Paint Renovation Additional Material Requirements" for window replacement provided to the EPA in AAMA's March 26, 2010 letter (attached). The estimated increased cost to replace windows in a house determined to have lead-based paint, using the EPA LRRP was \$121.50 per window in 2010. The 2016 number is \$134.31ⁱⁱ. If one assumes a typical house with 15 windows, then that equates to \$2014.65 per house job. This exceeds the EPA's initial estimated overall average cost of \$35 per house job by 5,656 percent!

Requiring RRP practices in cases where lead is not present continues to be an unnecessary expense that may deter fenestration product replacement which would otherwise improve the energy efficiency of the building. In order to support energy efficiency improvement for the many existing buildings with older, inferior or leaking windows, AAMA urges the EPA to reevaluate the economic impacts that current lead testing options are creating under the rule.

2. Window "pocket replacement," "window inserts" and "sash kits" should be considered *minor repair and maintenance activities*.

Window repair should fall under the definition of *minor repair and maintenance activities*; not *renovation*. While AAMA recognizes that window replacement disturbs painted surfaces, our position is that window repair, such as window pocket replacement, window inserts and sash kits, does not significantly disturb painted surfaces. During these types of repairs, the frame of the original window remains in place and a sash and jambliner kit or a sash and narrow frame are

installed into the existing window frame. Removal of the existing sash results in a very limited disturbance of the opening.

This position is supported by the EPA's own 2014 FAQ #23002-19759 shown below.

EPA FAQ: Question (23002-19759) regarding what constitutes "window replacement."

My firm repairs windows in which the glass has been cracked or broken by removing and replacing the sash. For casement windows, we unscrew and remove the hinges on the old window, pull out the old sash, and install the new sash. For double-hung windows, we release the jambliner, pull out the sash with the damaged glass, and install the new sash. We may disturb paint on the hinges and screws, but do not otherwise disturb a painted surface. Is this work subject to the RRP Rule?

Answer: Replacement of a window sash by simply unscrewing hinges or releasing it from a jambliner does not constitute "window replacement" for purposes of the RRP Rule. Therefore, such tasks may fit within the definition of minor repair and maintenance i.e., activities that disturb six square feet or less of interior painted surface, or twenty square feet or less of exterior painted surface.

If unscrewing a hinge or releasing a jambliner disturbs paint on the screws and/or hinges, but does not otherwise disturb a painted surface on the window sash, frame, casing, sill, trim or surrounding walls, then the activity likely disturbs less than six square feet of painted surface and would not be subject to the RRP Rule."

AAMA suggests the following language changes to 40 CFR §745.83 - Definitions.

Minor repair and maintenance activities are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by §745.85(a)(3) are used and where the work does not involve ~~window replacement or~~ demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

The focus of the definition for *minor repair and maintenance activities* is on the size of the area disrupted. Window replacement is the only component of the building that is specifically referenced. AAMA questions why "window replacement" is referenced under the definition of minor repair at all. The suggested language change to remove "window replacement" clarifies the definition to only refer to activities that disrupt 6 square feet or less of painted surface.

Renovation means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 CFR 745.223). The term renovation includes (but is not limited to): The removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, full window repair replacement, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. The term renovation does not include minor repair and maintenance activities.

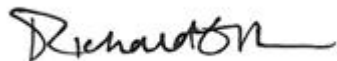
AAMA agrees that while full window replacement is something that would fall under the definition of renovation, window repair does not necessarily belong in the definition. By adding the word *full* and changing out the word *repair* for the word *replacement* in the parenthetical list of examples given in the definition, the definition is clarified to allow for window repair that does not involve activities “*that may generate paint dust*” to fall under the *minor repair and maintenance activities* definition.

By making these changes, simple window repair, such as pocket replacement, window inserts and sash kits, would not fall under the parameters of the Rule, and consumers would be encouraged to make these minor repairs to improve the energy efficiency of their homes.

By this public comment, AAMA is endeavoring to support safe practices with regard to the presence of lead, while encouraging the energy efficiency improvement of existing buildings through the use of modern fenestration products.

If the EPA has any questions or would like to discuss either of the two points offered above, the EPA is encouraged to contact AAMA.

Sincerely,



Richard Walker
President and CEO
rwalker@aamanet.org

Attachments:
EPA August 11, 2014 FAQ
GAO report of May 21, 2010
AAMA March 26, 2010 letter

ⁱ EPA numbers used were based on 2005 data. \$200 million in 2005 becomes \$246.83 million in 2016. All inflation calculations are based on the Consumer Price Index.

ⁱⁱ The \$134.31 figure is the \$121.50 figure adjusted for inflation based on the Consumer Price Index. The dollar amount does not include replacement respirator cartridges and HEPA vacuum filters or the additional expense of training, accreditations or insurance.



G A O

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United States Government Accountability Office
Washington, DC 20548

B-319689

May 21, 2010

The Honorable Barbara Boxer
Chairman
The Honorable James M. Inhofe
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Henry A. Waxman
Chairman
The Honorable Joe Barton
Ranking Member
Committee on Energy and Commerce
House of Representatives

Subject: *Environmental Protection Agency: Lead; Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Environmental Protection Agency (EPA), entitled “Lead; Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program” (RIN: 2070-AJ55). We received the rule on April 28, 2010. It was published in the *Federal Register* as a final rule on May 6, 2010. 75 Fed. Reg. 24,802. The final rule is effective July 6, 2010.

The final rule revises the Lead Renovation, Repair, and Painting Program (RRP) rule that was published in the *Federal Register* on April 22, 2008. The final rule eliminates the “opt-out” provision that currently exempts a renovation firm from the training and work practice requirements of the rule where the firm obtains a certification from the owner of a residence that no child under age 6 or pregnant woman resides in the home and the home is not a child-occupied facility. The final rule also requires renovation firms to provide a copy of the records demonstrating compliance with the training and work practice requirements of the RRP rule to the owner and, if different, the occupant of the building being renovated or the operator of the child-occupied facility. In addition, the final rule makes minor changes to the certification, accreditation, and state authorization requirements.

Enclosed is our assessment of EPA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review of the procedural steps taken indicates that EPA complied with the applicable requirements.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Robert J. Cramer
Managing Associate General Counsel

Enclosure

cc: Nicole Owens
Director, Regulatory
Management Division
Environmental Protection Agency

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
ENVIRONMENTAL PROTECTION AGENCY
ENTITLED
"LEAD; AMENDMENT TO THE OPT-OUT AND
RECORDKEEPING PROVISIONS IN THE RENOVATION,
REPAIR, AND PAINTING PROGRAM"
(RIN: 2070-AJ55)

(i) Cost-benefit analysis

EPA performed a cost-benefit analysis in conjunction with the final rule. The benefits of the final rule result from the prevention of adverse health affects attributable to lead exposure from renovations in pre-1978 buildings. The adverse health affects include impaired cognitive function in children and several illnesses in children and adults, such as increased cardiovascular outcomes (including increased blood pressure, increased incidence of hypertension, cardiovascular morbidity, and mortality) and decreased kidney function. EPA determined that annualized benefits from the final rule may range from approximately \$870 million to \$3.2 billion assuming a discount rate of 3 percent, and \$920 million to \$3.3 billion assuming a discount rate of 7 percent.

The costs of the final rule result from removing the opt-out provision and requiring firms performing renovation, repair, and painting work for compensation in housing previously eligible for the opt-out provision to follow the training, certification, and work practice requirements of the Lead Renovation, Repair, and Painting (RRP) rule. In addition, the final rule adds recordkeeping requirements that will increase costs of renovations in all target housing and child-occupied facilities. EPA estimates that the final rule will cost approximately \$500 million in the first year, with the cost expected to drop to approximately \$300 million per year starting with the second year, when improved test kits for detecting the presence of lead-based paint are assumed to become available. Training for renovators and workers and certification for firms working in housing previously covered by the opt-out provision is estimated to add approximately \$50 million per year to the cost, and requiring renovators to provide owners and occupants with copies of the recordkeeping required to document compliance with the RRP rule training and work practice requirements costs approximately \$30 million per year, with about two-thirds incurred in housing that was previously eligible for the opt-out provision.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

EPA prepared a final regulatory flexibility analysis for the final rule. EPA determined that the vast majority of the entities in the industries affected by this rule are small, and that the rule will affect approximately 289,000 small entities. EPA determined that an estimated 101,000 small businesses could be affected by the removal of the opt-out provision, with average impacts of 1.10 percent of revenues. EPA further determined that an estimated 189,000 small entities could be affected solely by the additional recordkeeping requirement, with incremental cost impacts ranging from 0.0001 percent to 0.08 percent of revenues. Combining the removal of the opt-out provision with the new recordkeeping requirements, a total of 289,000 small entities could be affected by the rule, including 266,000 small businesses with average impacts of 0.4 percent, 17,000 small non-profits with average impacts of 0.0005 percent, and 6,000 small governments with average impacts of 0.0001 percent.

The removal of the opt-out provision will also affect an estimated 75,000 non-employer renovation contractors, with an average cost to such contractors estimated to be \$1,193 apiece, which represents 1.3 percent to 4.7 percent of reported revenues, depending on the industry sector. The new recordkeeping requirement is estimated to affect approximately 96,000 additional non-employer renovation contractors, with an average estimated cost of \$42 apiece, which represents 0.05 percent to 0.17 percent of reported revenues, depending on the industry sector.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

EPA determined that this final rule contains a federal mandate that may result in expenditures that exceed \$100 million by the private sector in any one year, but will not result in such expenditures by state, local, and tribal governments in the aggregate.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

EPA published a notice of proposed rulemaking on October 28, 2009. 74 Fed. Reg. 55,506. EPA received comments on the proposed rule and responded to those comments in the final rule. 75 Fed. Reg. 24,802.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains information collection requirements that are subject to Office of Management and Budget (OMB) review under the Paperwork Reduction Act. EPA has submitted the requirements to OMB for approval, and they have been assigned OMB Control Number 2070-0155. EPA determined that the information collection

requirements may affect training providers as well as firms that perform renovation, repair, or painting for compensation. EPA estimates that the total respondent burden for training providers and certified firms from the final rule will average approximately 1,647,000 hours per year during the 3 years covered by the information collection request.

Statutory authorization for the rule

The final rule is authorized by sections 402(c)(3), 404, 406, and 407 of the Toxic Substances Control Act, codified at 15 U.S.C. §§ 2682(c)(3), 2684, 2686, and 2687.

Executive Order No. 12,866 (Regulatory Planning and Review)

The final rule was determined by EPA to be significant under Executive Order 12,866 and was reviewed by the Office of Management and Budget.

Executive Order No. 13,132 (Federalism)

EPA determined that the final rule does not have “federalism implications” because it will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.



FW: AAMA: ATI Data on Industry Cost Estimates of Implementing LRRP

Rostker, David to: Angela Hofmann

03/26/2010 03:45 PM

Cc: "Echols, Mabel E."

History: This message has been forwarded.

I just received the attached on the LRRP rule cost estimates.

Mabel – please post to the OMB website as a public comment on the Lead Opt-Out Final Rule under EPA/OPPTS.

Thank you.

David Rostker
OMB/OIRA
drostker@omb.eop.gov

From: Maureen Knight [mailto:MKnight@aamanet.org]

Sent: Friday, March 26, 2010 3:31 PM

To: Rostker, David

Cc: Richard Walker; Rod Hershberger; Gary_Pember@simonton.com; KimFlanary@milgard.com; ehlingerlj@pella.com; KSeiling@vekainc.com; Terry W. Abels; dgmoyer@archtest.com; Angela Dickson

Subject: AAMA: ATI Data on Industry Cost Estimates of Implementing LRRP

David Rostker
Policy Analyst
Office of Information and Regulatory Affairs
New Executive Office Building
Room 10202
Washington, DC 20503

Re: EPA LRRP

Dear Mr. Rostker,

Please review the attached correspondence from Mr. Rich Walker, AAMA President and CEO.

Mr. Walker can be reached at 330-242-1916 to answer any questions you may have.

Thank you.

Maureen Knight



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The source of performance standards, product certification and educational programs for the window, door and skylight industry.sm

Visit AAMA During These Upcoming Events

AAMA Southeast Region Spring Meeting: March 30-31, San Antonio, TX

AAMA Western Region Spring Meeting: May 5-6, Oakland, CA



Please consider the environment before printing this email.



AAMA Letter to David Rostker re LRRP Costs_3-26-2010.pdf



AMERICAN
ARCHITECTURAL
MANUFACTURERS
ASSOCIATION

March 26, 2010

David Rostker
Policy Analyst
Office of Information and Regulatory Affairs
New Executive Office Building
Room 10202
Washington, DC 20503

Re: EPA LRRP

Dear Mr. Rostker,

It was a pleasure to meet with you and other representatives from the White House's Office of Management and Budget and EPA on March 17 regarding the Environmental Protection Agency's (EPA) "Lead: Renovation, Repair and Painting Rule" (LRRP). Specifically, the American Architectural Manufacturers Association (AAMA) is requesting both a delay in the effective date of new lead paint regulations currently scheduled for implementation on April 22, 2010, as well as allowing the "opt-out" provision to remain. In addition, you asked for supporting data on the industry estimates of costs associated with this new regulation.

Considering the potential economic impact of EPA's LRRP, it is imperative that the OMB and EPA are aware of the field-verified increased expense of this new requirement. Architectural Testing, Inc., an AAMA-accredited laboratory, has estimated additional costs to be \$121.50 per window (see the calculations on the last page), which does not include replacement respirator cartridges and HEPA vacuum filters or the additional expense of training, accreditations or insurance. Hopefully, potential higher fees for additional materials and time will not prohibit consumers from investing in more energy-efficient products.

The same AAMA accredited-laboratory that provided the estimation also administrates the industry-leading InstallationMastersTM Program. Architectural Testing, Inc. is currently seeking trainer credentials for the LRRP program, which would make training available to the over 10,000 residential window and door installers already certified through the InstallationMasters program. Since its inception in 2000, the existing InstallationMasters program has included training content addressing lead safe practices. As you can see, AAMA is working to get as many installers trained as possible. However, additional time is required to ensure that the industry is trained according to the EPA's requirements.

AAMA encourages the White House to consider the ramifications of the EPA's LRRP. We feel it is imperative to renovate the oldest, least-efficient housing stock with more efficient windows in order to save energy. However, there are immediate conflicts between the LRRP's implementation date and the stimulus funding incentivizing energy-efficient home upgrades, as well as planned efforts for a national HOME STAR residential retrofit program. All of these are targeting the same housing stock – homes built before 1978.

continued

AAMA supports lead safe work practices; however, more time for proper training and preparation are needed before our industry can absorb the costs associated with these EPA LRRP regulations.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Richard G. Walker". The signature is fluid and cursive, with a large initial "R".

Richard G. Walker
President and CEO

cc: Rod Hershberger
Gary Pember
Kim Flanary
Larry Ehlinger
Kevin Seiling
Terry Abels
David Moyer

EPA Lead Paint Renovation

Additional Material Requirements

The following is an estimation of the additional materials needed to replace windows in a house that has been determined to have lead-based paint using the EPA LRRP. All of these estimations are based upon the concept that a contractor and an assistant can replace 6 windows (4 front and 2 sides) in a normal day. For the sake of this calculation, we have assumed that those 6 windows cover 3 rooms, each measuring approximately 11' by 11'. This estimation does not include the additional equipment that would be needed (i.e. respirator, HEPA vacuum, etc.)

Disposable Materials

Outside, Front sheet	10' x 55'
Outside, Side sheets	10' x 25' (x2)
Inside, Floor sheets	10' x 13' (x3)
Door covers	7' x 6' (x3)
Total amount of 6 mil plastic 10' x 162'	\$95.00
Disposable coveralls (4 sets)	\$20.00
Disposable Latex Gloves (4sets)	\$ 1.00
Caution Barrier Tape (20' perimeter)	\$ 1.50
Disposable Tack Pad (Doorway)	\$ 1.50
Duct Tape (1.5 rolls)	\$ 9.00
Painters tape (for under duct tape)	\$ 8.00
Lead Check testers (8 pack)	\$23.00
Cleaning verification wipes	\$10.00
6 Mil Garbage Bags	\$10.00
<u>Total Disposable Materials</u>	<u>\$179.00</u>

Estimated Additional Labor Hours (Labor rate of \$50 per hour)

Exterior set-up (1 hour)	\$ 50.00
Interior set-up (3 hours)	\$150.00
Additional work (1 hour)	\$ 50.00
Exterior tear-down (1/2 hour)	\$ 25.00
Interior tear down (1-1/2 hours)	\$150.00
Cleaning & verification (4 hours)	\$200.00
<u>Total Additional Labor Hours (12 hours)</u>	<u>\$600.00</u>

Total Additional Materials and Time: \$729.00 / 6 windows = \$121.50 per window*

**Replacement respirator cartridges and HEPA vacuum filters not included.*

Estimate provided by Architectural Testing, Inc.

Renovation, Repair, and Painting (RRP) Rule

Frequent Questions

August 11, 2014

About the Lead Frequent Questions and Answers: This document presents the Agency’s preliminary response to the issues presented in these questions. Accordingly, it is a living document and the answers may be periodically revised and updated. Because the answers are subject to change, it is recommended that users check back frequently and visit <http://www2.epa.gov/lead/fqs-rrp-rule> for the most up-to-date responses. The responses are intended solely for guidance and do not alter any statutory or regulatory requirements. The document does not supersede any statutory or regulatory provisions. Because the guidance provided in this document often addresses the very specific circumstances stated in each question, the reader should also consult other applicable documents (e.g., 15 U.S.C. 2681 et seq., 40 C.F.R. 745.80 et seq., the Preamble to the Final Rule, etc.). These responses do not necessarily bind EPA or outside parties. EPA evaluates circumstances on a case by case basis, and these answers may not apply to a specific situation.

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General Information about Lead

Question (23002-22416)

What is lead?

Answer

Lead is a toxic metal that was used for many years in products found in and around our homes. Lead also can be emitted into the air from motor vehicles and industrial sources, and lead can enter drinking water from plumbing materials. Lead-based paint is present in many homes built before 1978. The federal government banned the use of lead-based paint in housing in 1978. To learn more about lead, visit www.epa.gov/lead.

Question (23002-24471)

Where is lead found?

Answer

Many homes built before 1978 have lead-based paint. In general, the older your home, the more likely it has lead-based paint. Soil around a home can contain lead from sources like deteriorated exterior paint, past use of leaded gas in cars, or from past renovation activities. Household dust can pick up lead from deteriorating lead-based paint, from past renovation projects, or from soil tracked into a home. If you work with lead, you could bring it home on your hands or clothes. It is important to shower and change clothes before going home. Launder your work clothes separately from the rest of your family's clothes. To learn more about sources of lead, visit <http://www2.epa.gov/lead/learn-about-lead#found>.

Question (23002-18139)

I thought lead-based paint had been phased out. How many homes still contain lead-based paint?

Answer

HUD's National Survey of lead and Allergens in Housing estimated that 38 million permanently occupied housing units (40% of all housing units) in the United States contain some lead-based paint that was applied before the residential use of lead-based paint was banned in 1978. "Housing units" include single-family homes, manufactured housing, and multi-unit dwellings like apartments. Vacant housing, group quarters (e.g., prisons, hospitals, and dormitories), hotels, motels, and other short-term housing, military bases, and housing where children are not permitted to live (e.g., housing designated exclusively for the elderly and those with zero-bedroom units) are not included in this number. More information on these statistics is available from HUD.

Question (23002-21128)

What are some of the health effects of lead?

Answer

Lead is known to cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and under are most at risk from exposure lead-based paint because they crawl on the floor and they put their hands and other items which can have lead-based paint dust on them into their mouths. Because their bodies are still growing, children tend to absorb more lead than adults.

Children exposed to lead can suffer from:

- Lowered IQ
- Damage to the brain and nervous system
- Learning and behavioral difficulties
- Slowed growth
- Hearing problems
- Headaches

Adults can suffer from:

- Reproductive problems (in both men and women)
- High blood pressure and hypertension
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

To learn more about health effects of lead, visit <http://www.epa.gov/lead/learn-about-lead.html#effects>

Question (23002-23458)

What should I do if I am concerned about my family's exposure to lead?

Answer

A blood test is the only way to find out whether you or a family member already has lead poisoning. Call your doctor or local health department to arrange for a blood test. You can protect your family every day by:

- Regularly cleaning floors, window sills, and other surfaces.
- Washing children's hands, bottles, pacifiers, and toys often.
- Making sure children eat a healthy, nutritious diet consistent with the USDA's dietary guidelines.
- Wiping off shoes before entering the house.
- Using an EPA-certified firm for renovations, or if you are doing the renovation yourself, using lead-safe work practices (see <http://www.epa.gov/lead> for more information).

Question (23002-21997)

What information can I get about lead-based paint in a home before I buy or rent it?

Answer

Many houses and apartments built before 1978 have some lead-based paint. Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly. Federal law requires that individuals receive certain information before renting or buying pre-1978 housing. Sellers and landlords must:

- Disclose information on known lead-based paint and lead-based paint hazards in the housing being sold or rented;
- Provide buyers and renters with any available records or reports pertaining to lead-based paint or lead-based paint hazards in the housing; and
- Provide buyers and renters with a copy of the pamphlet entitled "Protect Your Family from Lead in Your Home."

In addition, sellers must give potential buyers an opportunity to check the home for lead-based paint or lead-based paint hazards. To learn more about the lead disclosure rule visit

<http://www2.epa.gov/lead/real-estate-disclosure>.

Question (23002-32411)

Building material reuse stores sometimes accept older materials which have been coated with lead-based paint and could pose a lead poisoning hazard. In particular, older windows and doors are likely to contain lead-based paint, and this paint can present very high risks due to friction and impacts causing the paint to deteriorate and generate lead dust. How can employees of these stores and their customers manage lead hazards associated with these older building materials?

Answer

As a preliminary matter, your state may have laws or regulations addressing the management, handling or sale of materials containing lead-based paint. Therefore, building material reuse stores should contact both their state health department (<http://www.cdc.gov/mmwr/international/relres.html>) and state environmental agency (<http://www.cicacenter.org/hwrlnew.cfm>) for more specific direction. In addition to complying with all state or local law and regulations, EPA recommends the following practices to help minimize lead exposure to employees, volunteers, and customers.

At a minimum, EPA suggests that reuse stores label suspect items to indicate that they may contain lead, educate staff about lead hazards, and provide outreach materials to customers about lead-safe work practices. Some useful resources include: *Renovate Right* (<http://www2.epa.gov/lead/lead-safe-certified-guide-renovate-right-2>), *Steps to LEAD SAFE Renovation, Repair and Painting* (<http://www2.epa.gov/lead/steps-lead-safe-renovation-repair-and-painting-march-2009>), and *Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work* (<http://www.hud.gov/offices/lead/training/LBPguide.pdf>). These can be downloaded from EPA's Web site or ordered from the National Lead Information Center at 1(800)424-LEAD or <http://www2.epa.gov/lead/forms/national-lead-information-center-document-request-form>.

EPA suggests that re-use stores assume the presence of lead-based paint in pre-1978 residential building materials and all other non-residential building materials, or have these materials tested. Lead test kits that have been recognized by EPA (<http://www2.epa.gov/lead/epa-recognition-lead-test-kits>) are available at most hardware stores; alternatively, an XRF analyzer can be used to detect lead or a paint chip can be sent to a laboratory for analysis.

Testing for Lead

Question (23002-16836)

How can I tell if my home contains lead-based paint?

Answer

The older your home, the more likely it contains lead-based paint. For example, 87% of homes built before 1940 have some lead-based paint, while 24% of homes built between 1960 and 1978 have some lead-based paint. Lead-based paint may be present in private single-family homes or apartments, government-assisted, or public housing, and in urban, suburban, or rural settings. If you want to know whether or not your home contains lead-based paint, EPA recommends one of the following:

- Assume your home contains lead-based paint and take the appropriate precautions. In pre-1978 homes and buildings, this is the simplest and safest approach.
- Hire a certified professional to check for lead-based paint. A certified lead-based paint inspector or risk assessor can conduct an inspection to determine whether your home or a portion of your home has lead-based paint and where it is located. This will tell you the areas in your home where lead-safe work practices should be used for renovation, repair, or painting jobs. A certified risk assessor can conduct a risk assessment telling you whether your home currently has any lead hazards from lead in paint, dust, or soil. The risk assessor can also tell you what actions to take to address any hazards. For help finding a certified risk assessor or inspector, call the National Lead Information Center at 1-800-424-LEAD (5323).

A number of lead test kits are available for consumer purchase in most retail hardware stores, however, the Consumer Product Safety Commission (CPSC) states that consumers should exercise caution when using these test kits to evaluate consumer products for potential lead exposures. See <http://www.cpsc.gov/CPSCPUB/PREREL/prhtml08/08038.html>. To test for lead-based paint in your home, EPA recommends that you hire a certified inspector or risk assessor. For determining whether lead-based paint is present in pre-1978 housing and childcare facilities that are subject to renovation, repair and painting regulations, EPA has recognized three test kits, but recognition only applies to use by Lead-Safe Certified renovators.

Question (23002-20555)

The lead information pamphlet titled "Renovate Right" states there is a kit consumers can use to collect samples to send to a lab if they suspect any lead hazards have been left after a renovation. Do samples like these need to be taken by certified abatement personnel or a dust sampling technician?

Answer

No. When all the work is finished, you may want to know if your home, child care facility, or school has been cleaned up properly. One way to check is a lead-dust test. Lead-dust tests are wipe samples sent to a laboratory for analysis. You have the choice of having a lead-dust test done by a lead professional or doing the testing yourself. If you choose to do the testing, some EPA-recognized lead laboratories will send you a kit that allows you to collect samples and send them back to the lab for analysis. Contact the National Lead Information Center at 1-800-424-LEAD (5323) for lists of qualified professionals and EPA-recognized lead labs. To learn more about making sure your home, child care facility, or school has been cleaned properly after a renovation, visit <http://www2.epa.gov/lead/renovation-repair-and-painting-program-consumers>.

Question (23002-32338)

Is lead paint testing required under RRP?

Answer

No. A firm may always assume the presence of lead-based paint and proceed in accordance with all RRP requirements.

Question (23002-15211)

Do test results from a certified renovator using an EPA recognized test kit (40 CFR § 745.83) or performing paint chip sampling (40 CFR § 745.82) become an official part of the lead-based paint testing record for that house thus negating the need for a certified lead inspector or certified lead risk assessor to conduct the inspection in that area of the house? Can a certified renovator conduct a complete lead-based paint inspection and give the property owner as an inspection report?

Answer

The results of paint testing using test kits or paint chip sampling are part of the official lead-based paint testing record for a home, and must be disclosed under EPA's Real Estate Disclosure regulation (40 CFR part 745, subpart F). However, EPA's regulations only provide for a certified inspector or risk assessor to conduct a lead-based paint inspection and to prepare a lead-based paint inspection report. Thus, allowing renovators to test components does not negate the requirement that a certified inspector or risk assessor follow the requirements set forth in § 745.227(b) when conducting a lead-based paint inspection.

Question (23002-23865)

When testing a work area, does one spot-test kit or paint chip sample suffice for any single component? What if a component's surface area is extensive (i.e. a large wall)?

Answer

The certified renovator is only required to use one spot test kit or paint chip sample for each component, even if the surface of the component is extensive (e.g., a large wall).

Question (23002-15694)

Does the RRP Rule apply to work on windows that have been installed within the last 20 years in a pre-1978 housing unit? Would confirmation of the window installation based on property owner documentation (i.e., receipts, warranty paperwork, contracts) and/or date of manufacture of the windows be sufficient to exclude this work from the lead-safe work practices and other requirements?

Answer

The RRP Rule applies unless you have determined that all the components affected by the renovation, including the windows, are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm²) or 0.5% by weight. This determination must be made either by a certified inspector or risk assessor, or by a certified renovator using an EPA recognized test kit or performing paint chip sampling. You must keep records of any lead-based paint free determination and make the records available to EPA if requested.

Question (23002-23701)

When a certified renovator uses an EPA-recognized test kit or performs paint chip sampling to determine the presence of lead, can the results be grouped? For instance, may the certified renovator test just one window sill in a room if all will be affected?

Answer

No. The certified renovator must test each component affected by the renovation. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately. Multiple window sills are not integrated parts of a whole. They are separate components and must be tested separately.

Question (23002-23255)

What lead test kits are recognized by EPA?

Answer

To date, EPA has recognized three lead test kits for use in complying with the false negative response criterion of the RRP rule. They are the 3M LeadCheck™ kit (for use on ferrous metal, plaster, drywall and wood), the State of Massachusetts kit (for use on drywall, plaster), and the D-Lead® kit (for use on wood, drywall, plaster, and ferrous metal). If a substrate material is not listed above (such as stucco, or non-ferrous metals) then the recognized kits cannot be used on that substrate to comply with the testing requirements of the RRP rule.

Question (23002-16393)

How can I obtain 3M LeadCheck™ test kits?

Answer

The 3M LeadCheck™ test kits can be purchased by calling the company directly. Their phone number is available by going on their website, www.LeadCheck.com.

Question (23002-15505)

Does EPA recognize the 3M LeadCheck™ test kit for use on red paint?

Answer

Yes. EPA recognizes this kit for use on any color paint as long as the kit is used in accordance with the manufacturer's instructions.

Question (23002-18220)

If a certified renovator using an EPA-recognized test kit or paint chip sampling determines that the components that will be affected by a renovation are free of lead-based paint, can a firm that does not have RRP certification do the actual renovation work? What record-keeping requirements would apply?

Answer

Where a certified renovator performs paint chip sampling or uses an EPA-recognized test kit following the kit manufacturer's instructions, tests each component affected by the renovation, and determines that the components are free of paint or other surface coatings that contain lead at regulated levels, the

renovation can be performed by a non-certified firm and without regard to the work practice standards or record-keeping requirements of the RRP Rule. See 40 CFR 745.82(a)(2).

However, the certified renovator and firm performing the testing are still subject to the recordkeeping requirements of 745.86(b)(1)(ii) and (iii), and 745.86(a) and (c). Specifically, the certified renovator must prepare a record that states the brand of test kit used or the name and address of the NLLAP-recognized entity performing the paint chip analysis, a description of the components tested including their location, and results of the tests. The certified renovator's firm must retain a copy of this record for three years. EPA further recommends that the firm actually performing the renovation also retain a copy of these records to demonstrate that compliance with the RRP Rule was not required.

Question (23002-19098)

Is it true that the lead test kits that were recognized by EPA before September 1, 2010, are no longer recognized since that date?

Answer

No. The test kits that were recognized by EPA before September 1, 2010 did not automatically lose their recognition on September 1, 2010. As discussed in the 2008 RRP rule, prior to September 1, 2010, manufacturers seeking recognition of their test kit had to meet only the false negative response criterion. EPA-recognition of test kits meeting this criterion will last until EPA publicizes its recognition of a kit that passes both the false negative and the false positive criteria.

Question (23002-25349)

Will there be any Phase Two kits approved as a result of the recent ETV evaluations?

Answer

Based on the results of the recent ETV evaluations no new test kits were approved that meet both the false negative and false positive performance criteria. However one kit did meet the false negative performance criterion for drywall, plaster, ferrous metal and wood, and was recognized for use by certified renovators on August 31, 2010. Thus, after September 1, 2010, EPA will continue to recognize 3M LeadCheck™, the State of Massachusetts kit, and the newly recognized D-Lead® kit.

Question (23002-16390)

How can I obtain D-Lead® test kits?

Answer

The D-Lead® test kits are available for purchase from certain distributors and retail outlets. A list of these distributors and retailers can be found by going to <http://www.esca-tech.com>, emailing rrp@esca-tech.com, or by calling (414) 962-3006.

Question (23002-31777)

My firm is not RRP-certified and does not employ an RRP-certified renovator. If we are asked to perform a renovation in a pre-1978 home, we first test the home for the presence of lead using an EPA recognized test kit. If lead is present, we decline the job. If lead is determined not to be present, we accept and proceed normally. Can we perform these lead tests without being a certified renovator?

Answer

No. When performing a renovation in a pre-1978 home, a firm is excepted from the requirements of the RRP Rule if a determination has been made that the surfaces affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or .5% by weight. However, in order for this exception to apply, the determination must be made by a certified lead inspector or risk assessor, or by a certified renovator using an EPA recognized test kit and following the kit manufacturer's instructions.

Question (23002-31778)

I am an EPA-certified lead risk assessor. Can I use an EPA recognized lead test kit (e.g. 3M LeadCheck™, D-Lead®, etc.) when assessing whether or not a pre-1978 home contains lead-based paint for purposes of the RRP Rule?

Answer

Yes. In addition to a certified renovator, a person certified by EPA as a risk assessor or lead inspector may use an EPA recognized test kit to determine that regulated lead-based paint is not present in a home. Such a report can also be used to confirm that the RRP Rule would not apply to renovation activities in that home. A list of currently recognized test kits is available at: <http://www2.epa.gov/lead/epa-recognition-lead-test-kits#recognized>.

Question (23002-32520)

Can a person who is color blind use the 3M LeadCheck™ test kits?

Answer

A certified renovator seeking to use a lead-test kit for RRP purposes must be able to use the kit, and interpret the results, in accordance with the manufacturer's instructions. A person who is unable to accurately use the product due to some disability cannot, and should not, rely on any results for RRP purposes.

Question (23002-33650)

Can a homeowner use an EPA-recognized test kit to check for lead-based paint?

Answer

A number of lead test kits are available for consumer purchase in most retail hardware stores, however, the Consumer Product Safety Commission (CPSC) states that consumers should exercise caution when using these test kits to evaluate consumer products for potential lead exposures. See <http://www.cpsc.gov/CPSCPUB/PREREL/prhtml08/08038.html>. To test for lead-based paint in your home, EPA recommends that you hire a certified inspector or risk assessor. For determining whether lead-based paint is present in pre-1978 housing and childcare facilities that are subject to renovation, repair and painting regulations, EPA has recognized three test kits, but recognition only applies to use by Lead-Safe Certified renovators.

General Information about the Lead Renovation, Repair, and Painting (RRP) Rule

Question (23002-22990)

What is the purpose of the RRP Rule?

Answer

The purpose of the RRP Rule is to minimize exposure from lead-based paint dust during renovation, repair, or painting activities. This is a key effort in reducing the prevalence of childhood lead poisoning, particularly lead poisoning caused by housing contaminated by renovation activities. This will also minimize exposure to older children and adults who are also adversely impacted by lead-based paint dust exposure. Lead paint was used in more than 38 million homes prior to its ban for residential use in 1978. This paint can form toxic dust when it is disturbed during normal home repair work. EPA's Renovation, Repair and Painting (RRP) program is designed to reduce lead contamination by training contractors in relatively simple lead-safe work practices, and certifying contractors to make sure that they follow lead-safe work practices. We also want consumers to choose firms that are certified. Given that lead poisoning can cause a wide range of physical, intellectual, emotional, and behavioral issues with societal and financial impacts, this program is prevention-based, cost-effective, and a long-term bargain.

Question (23002-21795)

What does the RRP Rule require?

Answer

The RRP Rule 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. Additional information on this rule can be found at <http://www2.epa.gov/lead/renovation-repair-and-painting-program>.

Question (23002-24685)

Who is covered by the RRP Rule?

Answer

The rule applies to all firms and individuals who are paid to perform renovation, repair, and painting projects that disturb paint in pre-1978 housing and child-occupied facilities. This includes home improvement contractors, maintenance workers, painters and other specialty trades.

Question (23002-19015)

Is it a violation of the RRP Rule for a homeowner to hire a firm that is not certified?

Answer

The RRP rule does not impose requirements on homeowners, unless they are performing renovations in rental space. However, the hired firm would be in violation of the RRP Rule if it was uncertified and performing a covered renovation.

Question (23002-17725)

How much will it cost contractors to comply with the RRP Rule?

Answer

In order to comply with the RRP rule, renovators will incur costs for EPA certification and costs to take a training course from an EPA-accredited training provider, as well as for supplies needed in order to carry out the required lead-safe work practices designed to reduce exposure to lead dust from renovations.

Firm Certification and Training Costs: The rule requires renovation firms to become certified by EPA or an EPA-approved state RRP program in order to perform renovation, repair or painting activities for compensation in target housing or child-occupied facilities. EPA is required by law to charge firms a fee that covers the government's cost of administering the program. Firm certification is valid for 5 years. The fee for most firms is **\$300**, which is equivalent to a cost of **\$60 per year**.

In addition, the rule requires that firms use trained certified renovators for certain key parts of the job, such as containing the work area and conducting cleaning verification after the job's completion. In most cases, firms have at least one certified renovator on staff. To be a certified renovator, an individual must take a training course from a private training provider accredited by EPA. The training is valid for 5 years. The cost of the training course is set by the private training provider and varies, but on average is about \$200 (which is equivalent to a cost of \$40 per year). The trained renovators can then provide on-the-job training to their workers. Firms may also incur additional costs related to training and certification, such as the time spent on the activities, and for traveling to and from the training. EPA estimates that this costs **\$562** per person trained. This includes a tuition cost of \$186, the value of time for the 8 hours the renovator is in class (\$253), the value of time for 2 hours traveling to and from class (\$63), mileage costs to drive to and from the training (\$49), and lunch while at the training (\$9).

Costs Associated with Lead-Safe Work Practices: Aside from the fixed costs for training and certification, renovators will also incur costs that vary depending on the size, type, and number of jobs performed.

Test kits. Renovators may choose to use spot-test kits to determine whether lead-based paint is present before the start of the job. The total cost of the test kits used depends on the number components tested, but is estimated to average \$10 per job. The use of test kits is optional, but many renovators find the test kits helpful for determining which parts of the job are subject to the rule's work practice requirements.

Labor, equipment and supply costs. The rule also requires renovators to use work practices in order to reduce exposure to lead dust. As part of the rulemaking process, EPA estimated the labor, equipment, and supply costs for these work practices. To calculate the costs for the rule's containment, cleaning, and cleaning verification requirements, EPA considered nine categories of renovation events (kitchen renovation, window replacement, painting, etc), for up to three sizes (small, medium, and large square footage) in up to three different dwelling types (single-family owner, single family rental, and multi-family rental) and in child-occupied facilities.

EPA first estimated an absolute cost of complying with the lead-safe work practices required by a rule if a renovator did not use any containment, or perform any cleaning, or cleaning verification prior to the rule. EPA estimated the labor and materials costs associated with each lead-safe work practice for the various job types included in the analysis.

However, EPA heard from the industry that renovators had been taking steps to control dust from renovations prior to the promulgation of the rule. Based on this input, EPA estimated an average incremental cost of each lead-safe work practice by subtracting the cost already being incurred by renovators for containment and cleaning from the estimate of the absolute cost of the rule's requirements.

For typical jobs in single family homes, EPA estimated that the average absolute costs to comply with the rule ranged from **\$35 to \$376**, depending on the size and nature of the job. The average incremental costs of complying with the rule ranged from \$8 to \$124. For example:

For a large window replacement job in a single family home (12 windows), the average cost ranges between \$124 for contractors who already used some of the required work practices, to \$376 for contractors who did not use any of the required work practices.

For a medium sized job removing portions of a wall in a single family home (such as might be done to repair water pipes or electrical wiring), the average cost ranges between \$41 for contractors who already used some of the required work practices, to \$121 for contractors who did not use any of the required work practices.

For an exterior painting job involving four exterior walls, the average cost ranges between \$90 for contractors who already used some of the required work practices, to \$245 for contractors who did not use any of the required work practices.

Finally, firms incur a cost for paperwork and recordkeeping, in order to demonstrate compliance with the RRP rule's training and work practice requirements.

Renovators conduct millions of jobs each year, ranging from simple drywall repairs to complete kitchen and bath renovations, and from window replacements to building additions. While EPA estimated the compliance costs for various general sizes and types of work, EPA's cost model is a simplified representation that cannot capture all of the variations from one job to another. EPA's methodology does not estimate the cost for any individual job performed by a particular renovator.

The cost for a particular contractor to comply with the rule may be considerably different from the sample jobs EPA considered, depending on factors such as the size, configuration, or other conditions of the work area; how the contractor uses his or her discretion to comply with the rule; and the prevailing local wage rates. Furthermore, EPA only estimated the cost of the work practices required by the rule. Some contractors may choose to take additional precautions beyond those required by the rule. These steps may provide extra protection for residents and renovation workers, but they also increase the cost of the work. And because EPA's estimates reflect the cost to contractors, not the price paid by homeowners, the estimates do not include the contractor's mark-up for profits.

The purpose of EPA's analysis was to compare the national cost of the rule's requirements to the national benefits of the rule. The analysis indicated that the requirements of the rule are not excessive or overly burdensome in light of the importance of avoiding the potentially severe consequences of exposure to lead-based paint hazards.

Question (23002-23391)

What records will my firm be required to keep?

Answer

The following records must be retained for three years following the completion of a renovation:

- Reports (if any) certifying that lead-based paint is not present
- Records relating to the distribution of the lead pamphlet
- Documentation of compliance with the requirements of the regulation (EPA has prepared a sample form that is available at <http://www2.epa.gov/lead/sample-renovation-recordkeeping-checklist>).

Question (23002-25279)

Will insurance premiums go up for contractors covered by the rule that work in homes and child-occupied facilities with lead-based paint?

Answer

The practice of carrying insurance to cover work in older homes from potential lead poisoning damages is not new. The RRP Rule, because it sets a clear standard of care and allows contractors to demonstrate that they meet that standard by taking appropriate training and using proper work practices, could eventually lead to insurance premiums that reflect that proactive stance.

Question (23002-19407)

Is there one document available that includes the latest version of the RRP Rule, with all amendments added to their associated locations, in complete form, and not including the preamble?

Answer

Yes. Visit the RRP Web site at <http://www2.epa.gov/lead/lead-regulations#paint> and click on 40 CFR Part 745 - Lead-Based Paint Poisoning Prevention in Certain Residential Structures.

Question (23002-18597)

If there are differences among EPA's, HUD's, and my State's requirements, which ones do I have to comply with?

Answer

You must comply with all applicable requirements. The initial 8-hour renovator training course will teach you how to perform lead-safe work practices safely and effectively in compliance with the EPA RRP Rule and the HUD Lead Safe Housing Rule. The RRP Rule is not intended to supersede or preempt any more stringent State or local laws.

Question (23002-19805)

My school district will be performing asbestos abatement in a kindergarten classroom that was built before 1978. Do the asbestos abatement workers also need to comply with the RRP rule?

Answer

Yes, if the asbestos abatement disrupts over 6 square feet of painted surface per room in an interior, or over 20 square feet of painted surface on an exterior, or involves window replacement or demolition of painted surfaces. If so, the asbestos abatement will need to be performed by a firm certified under the RRP rule. The firm will be required to assign an RRP-certified renovator to the project, and workers will need to have been trained by a certified renovator. Of course, the asbestos abatement must be designed and conducted by persons accredited in accordance with the Model Accreditation Plan.

In addition, the asbestos abatement will need to meet the RRP Rule work practice standards as well as the standards for asbestos abatement. For each element of the job, the contractor will need to determine which standards are more stringent and comply with those standards. Typically, the asbestos abatement containment and waste handling requirements are more stringent than the RRP Rule provisions, so compliance with the asbestos requirements will also serve as compliance with the RRP requirements. However, both the asbestos air clearance and the RRP cleanup and verification requirements must be performed. Because the air clearance process is performed with the critical barriers still in place, it must be performed before RRP cleanup and verification.

Question (23002-15674)

Does the RRP Rule apply to states and local governments?

Answer

The RRP Rule 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. After April 22, 2010 contractors (including renovation, repair and painting workers, plumbers, electricians, HVAC professionals, etc.) working in pre-1978 homes, schools and child-care facilities must be EPA certified and trained in lead-safe work practices when conducting renovation, repair and painting activities that will disturb more than six square feet of painted surfaces on the interior of a building or more than 20 square feet on the exterior. Window replacements are covered activities.

Question (23002-18001)

I am a renovator and I want to comply with EPA's Lead Renovation, Repair and Painting Rule. What do I need to do?

Answer

EPA's Lead Renovation, Repair and Painting (RRP) rule sets up new requirements for **firms** and **individuals** performing renovations in pre-1978 housing and child-occupied facilities, such as schools and daycares.

- **Firms** must be EPA certified. To become EPA certified, renovation contractors must submit an application and fee payment to EPA (<http://www2.epa.gov/lead/epa-lead-safe-certification-program>). Once certified, the firm will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA's "Lead-Safe Certified Firm" logo.
- Renovations covered by the rule must be performed or directed by a Certified Renovator. **Individuals** can become a lead-safe certified renovator quite easily. It requires successful completion of a one-day training course in lead-safe work practices. The training courses are offered by EPA-approved private training providers; there is no additional fee to EPA. You can find a training provider in your area by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm.

Over 500 training firms have been accredited to provide the specialized, one-day lead-safe work practices training. Many offer trainings in multiple states. Classes teach the specific work practices that contractors need to protect themselves and their clients from lead contamination, and to allow them and their firm to work legally. Certification is immediate upon successful completion of the training class.

Question (23002-18044)

I am planning to renovate my home. How can I find a lead-safe certified firm?

Answer

EPA has a searchable database to help you locate lead-safe certified firms near you at: http://cfpub.epa.gov/flpp/searchrrp_firm.htm. In addition, you can call EPA's lead hotline at 1-800-424-LEAD (5323) if you have questions.

Question (23002-18095)

I have hired a firm to renovate my home, but now I am concerned about whether the firm is a lead-safe certified firm. How can I find out?

Answer

EPA has a searchable database to help you locate lead-safe certified firms near you at: http://cfpub.epa.gov/flpp/searchrrp_firm.htm. It is possible that your firm is not yet listed on EPA's web

site, but is certified. If you do not find your firm on EPA's web site, you should call EPA's lead hotline at 1-800-424-LEAD (5323) and speak to an expert who can help you find out whether your firm is certified.

Question (23002-18140)

I took a class to be a Certified Renovator and my firm applied for firm certification before April 22, 2010, but my firm does not have its certificate yet. What do we do?

Answer

In these circumstances, EPA does not intend to take enforcement actions against firms who applied for firm certification before April 22 and have not received their certification. The certification requirement is important to making sure that firms are protecting children and other residents while renovations are ongoing, but EPA does not wish to disrupt ongoing renovations for those firms that submitted applications on time. We expect that all of the applications filed before April 22 will be reviewed by June, and that the applications submitted for the first 60 days after April 22 will be reviewed soon thereafter. Thus, it will only be a short window of time when firms that applied are waiting to hear back from EPA.

Question (23002-17543)

How long will it take EPA to process my application to be a lead-safe certified firm?

Answer

EPA is required to process your application within 90 days of receipt. In most instances, properly-completed firm applications are processed in about one month.

Question (23002-21890)

What happens if my firm is in the middle of a renovation job on April 22, 2010? My firm is not certified and none of my employees have taken the lead-safe certified renovator training. What should I do?

Answer

You should submit your application for renovation firm certification immediately. You should also arrange for lead-safe certified renovator training for at least one of your employees as soon as possible, and you should require at least one of your employees to review EPA's online training materials at <http://www2.epa.gov/lead/lead-safety-renovation-repair-and-painting-model-certified-renovator-initial-training-course-1>. In addition, you must follow the lead-safe work practices required by the rule. Information on these work practices can be found at 40 CFR 745.85 or obtained from the National Lead Information Center at 1-800-424-LEAD (5323). For the first 60 days after April 22, 2010, EPA's general approach for work initiated before that date will be, upon learning that a firm or individual conducting a renovation is not certified or trained, to issue a notice without monetary penalties to that firm or individual. This notice will state that the firm or individual needs to come into compliance as quickly as possible. To correct the noncompliance, the individual or firm will need to provide a copy of an accredited course completion certificate or firm certification to EPA within a reasonable time.

Question (23002-18000)

I am a renovation firm and I have contracted for a renovation in a pre-1978 home to begin on or after April 22, 2010. None of my people have taken the lead-safe certified renovator training yet. I found out the Certified Renovator classes near me are all full until after April 22, 2010. What should I do?

Answer

You should hold off on starting work in any pre-1978 home or child-occupied facility until you have taken the certified renovator training course from an EPA-accredited training provider. In addition, you should make sure that your firm is EPA certified. You can find out more information at <http://www2.epa.gov/lead/epa-lead-safe-certification-program>. You can find an accredited training provider who is based near you by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm. More than 340 EPA-accredited training providers have indicated to EPA that they are willing to travel to offer training classes. You can find a list of training providers, including those who are willing to travel, by using the same search tool.

Question (23002-17981)

I am a firm and there are no training providers offering classes near me. What do I do?

Answer

More than 340 EPA-accredited training providers have indicated to EPA that they are willing to travel to offer training classes. You can find a list of training providers, including those who are willing to travel, by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm.

Question (23002-18120)

I operate a renovation firm and I have heard that my state will adopt its own lead Renovation, Repair and Painting program. Do I have to also be certified by EPA?

Answer

As of July, 2011, twelve states have their own RRP programs (Alabama, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oregon, Rhode Island, Utah, Washington, and Wisconsin). If your firm is located in one of these states, you should contact them for information on their certification requirements. If you work outside of one of those states, your firm needs to be certified by EPA.

Renovations Covered by the RRP Rule

In General

Question (23002-17496)

How is window repair or maintenance, as distinct from removal, treated under the RRP Rule? Would the rule apply to a job that replaced parts or components of a window, such as broken or failed glass, hardware, or balance systems, where some components might be painted, but the frame of the window would remain?

Answer

Replacing a pane of glass or fixing a broken window balancer is not a window replacement. However, this activity would be subject to the rule unless it meets the definition of minor repair and maintenance. To be considered minor repair and maintenance, the renovation must not disrupt more than 6 square feet of painted surfaces per room. Activities such as replacing a piece of glass in a window can disturb paint. The glazing that holds the pane in place in older windows is painted, and this glazing has to be removed for the pane to be replaced. Also keep in mind that when calculating the 6 square feet when a component is being removed, it's based on the surface area of the component.

Question (23002-15669)

Does the RRP rule apply to renovations done in an apartment between tenants? Does it matter if children live in other apartments in the building?

Answer

Temporarily unoccupied or vacant housing rental is not exempt from the requirements of the RRP Rule.

Question (23002-19962)

Does the Renovation, Repair, and Painting (RRP) Rule prohibit the deconstruction and reuse of old building materials containing lead-based paint?

Answer

No. The RRP Rule does not prohibit a firm from extracting, salvaging or reusing building materials that contain lead-based paint. However, the requirements of the RRP Rule may apply to these activities if they (1) occur in target housing or a child-occupied facility, and (2) disturb more than six square feet of interior painted surface or more than twenty square feet of exterior painted surface.

Further, the RRP Rule only applies to renovations – the modification of an existing structure that results in the disturbance of painted surfaces. Demolition of an entire property is not a renovation for RRP purposes. Therefore, if deconstruction or salvage activities occur in conjunction with total demolition of the property, the RRP Rule would not apply. Conversely, if only a portion of the property is deconstructed, and the above two criteria are met, then the activity is a renovation and the requirements of RRP Rule apply. In such a case, firms must establish containment before deconstruction, and ensure that components to be reused are free of any lead-based paint dust or debris before they are removed from the work area.

Question (23002-19754)

My firm is performing a renovation in an unoccupied home that will be put up for sale when work is done. Does the RRP Rule apply to this renovation?

Answer

Yes. Temporarily unoccupied or vacant housing is not exempt from the requirements of the RRP Rule.

Question (23002-15688)

Does the RRP Rule apply to office buildings, stores, and other commercial buildings?

Answer

No, unless the renovation is taking place in a child-occupied facility that is located in a commercial building. "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

Question (23002-15684)

Does the RRP Rule apply to federal employees performing work on federal facilities?

Answer

Yes. Federal agencies and their employees must comply with all Federal, State, interstate, and local requirements, both substantive and procedural, respecting lead-based paint in the same manner and to the same extent as any non-governmental entity. In addition, the RRP Rule requires all renovations performed after April 22, 2010, to be performed by a certified firm. The definition of "firm" includes federal agencies. Therefore, if the employees of a federal agency are performing renovations, the agency must be a certified firm and must follow the RRP Rule when performing the renovation.

Question (23002-15691)

Does the RRP Rule apply to renovations that disturb ceramic tile where the glaze on the tile contains lead at regulated levels?

Answer

No. Ceramic tile glaze is neither a surface coating nor a painted surface. Therefore, renovations that disturb ceramic tile glaze are not subject to the RRP Rule.

Question (23002-19759)

My firm repairs windows in which the glass has been cracked or broken by removing and replacing the sash. For casement windows, we unscrew and remove the hinges on the old window, pull out the old sash, and install the new sash. For double-hung windows, we release the jambliner, pull out the sash with the damaged glass, and install the new sash. We may disturb paint on the hinges and screws, but do not otherwise disturb a painted surface. Is this work subject to the RRP Rule?

Answer

Replacement of a window sash by simply unscrewing hinges or releasing it from a jambliner does not constitute “window replacement” for purposes of the RRP Rule. Therefore, such tasks may fit within the definition of minor repair and maintenance i.e., activities that disturb six square feet or less of interior painted surface, or twenty square feet or less of exterior painted surface.

If unscrewing a hinge or releasing a jambliner disturbs paint on the screws and/or hinges, but does not otherwise disturb a painted surface on the window sash, frame, casing, sill, trim or surrounding walls, then the activity likely disturbs less than six square feet of painted surface and would not be subject to the RRP Rule.

Question (23002-32207)

I am removing aluminum siding from a pre-1978 home. The aluminum siding was nailed over the top of painted wood siding that tested positive for lead. The underlying painted surface is greater than twenty-square feet. Must I comply with the Rule when removing the aluminum siding?

Answer:

The work practices for exterior projects are based on a performance standard – if the activity disturbs a painted surface (generally, by creating paint chips or dust) in excess of 20 square feet, the work area must be contained so that dust or debris does not leave the work area while the renovation is being performed. In this case, if the removal of the aluminum siding results in the disturbance of paint in excess of 20 square feet, then the RRP Rule applies. However, if the removal activity could be performed in such a way that does not disturb 20 square feet of painted surface, then the RRP Rule would not apply.

EPA recognizes that this may be difficult to determine in advance of the renovation activity. However, the renovator is the person with the expertise and experience to make this determination on a case-by-case basis. In such a situation, a renovator should consider how factors like the condition of the underlying paint or the chosen method of removal may increase or decrease the likelihood for a disturbance of paint. If there is still uncertainty, EPA recommends that renovators err on the side of caution and be prepared to contain any dust and debris.

Definition of “Renovation”

Question (23002-22108)

What is a renovation?

Answer

The RRP Rule covers activities that modify an existing structure and that result in the disturbance of painted surfaces. All types of repair, remodeling, maintenance, modernization, and weatherization projects are covered, including projects performed as part of another Federal, State, or local program, if the projects meet the definition of “renovation”. The term “renovation” includes (but is not limited to):

- Removing, modifying or repairing painted surfaces or painted components. Examples include modifying painted doors, surface restoration, window repair, and surface preparation activity like sanding and scraping that may generate paint dust.
- Removing building components such as walls, ceilings, plumbing, or windows.
- Weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping.
- Interim controls that disturb painted surfaces.

The RRP Program rule only applies to persons who perform renovations for compensation.

Question (23002-18426)

What is a “whole house gut rehabilitation project” for RRP purposes? What RRP requirements, if any, apply during a whole house gut-rehabilitation project? If target housing has, at some point after 1978, been gut-rehabbed, would the RRP Rule apply to subsequent renovations on the property?

Answer

The phrase “gut rehabilitation” may have different meanings across the construction industry. EPA, however, used the phrase “whole house gut rehabilitation” in a very limited sense to describe only those activities that demolish and rebuild a structure to a point where it is effectively new construction. At a minimum, these activities include the removal and replacement of all interior and exterior painted surfaces, including windows. The term should not be confused with a comprehensive renovation as described in FQ 23002-23415.

If an activity meets these narrow criteria (i.e., if a firm demolishes and rebuilds a structure to the extent that it is effectively new construction), then the activity is not a renovation for purposes of the RRP Rule and therefore not subject to any RRP requirements.

If, after 1978, target housing has been demolished and rebuilt to the extent that it is effectively new construction, subsequent renovations on the property would also not be subject to the RRP Rule. In other words, if target housing has been demolished and rebuilt to the extent that it is effectively new construction, it is no longer target housing. Conversely, if only a portion of the target housing has undergone a post-1978 modification (e.g., an overhaul of a kitchen or bathroom), then a subsequent renovation would still be covered under the RRP Rule.

Question (23002-23415)

What RRP requirements apply to a comprehensive renovation project involving the removal and replacement of all interior painted surfaces from target housing or a child-occupied facility?

Answer

A project that involves the removal and replacement of all interior painted surfaces but leaves all exterior painted surfaces intact is considered a renovation for RRP purposes. Therefore, all requirements of the RRP Rule apply including, but not limited to, those for firm and renovator certification, containment, waste disposal, cleaning and verification, and recordkeeping. The type of activity described in the question should not be confused with a “whole house gut-rehabilitation project” that effectively results in new construction as discussed in FQ 23002-18426.

EPA has recognized the fact that there may be circumstances where it is impossible for firms to meet all of the requirements under the RRP Rule. To the extent that performance of an RRP requirement would be impossible, the firm is excused from compliance. However, impossibility of one work practice does not

excuse a firm from complying with other requirements. EPA further recommends that the firm document and keep records of the specific circumstances surrounding the impossibility.

With respect to the comprehensive renovation activities described in the question, impossibilities may be more prevalent. For example, during removal of a floor, covering the floor surface with taped-down plastic sheeting as required by 40 CFR 745.85(a)(2)(i)(D) would be impossible. As described above, the firm would be excused from this requirement. Nevertheless, the firm must still ensure that the work area is properly contained. Windows, doors and ducts in the work area must be closed and covered. Precautions must be taken to ensure that all personnel, tools, and other items are free of dust and debris before leaving the work area. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris, and disposed of properly.

Following the renovation, the work area must also be cleaned until no dust, debris or residue remains. If no more painted surfaces will be disturbed, then cleaning may take place after either removal of all components, or after all new surfaces have been installed. Further, should cleaning or verification be impossible to achieve (for example, due to the nature of the surfaces), a firm must still make their best effort to collect and remove all paint chips, dust, debris and residue. See FQ 23002-15872.

Question (23002-13885)

Are DOE weatherization projects covered under the RRP Rule?

Answer

The RRP Rule defines “renovation” to include weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, and planing thresholds to install weather stripping. Other types of weatherization projects, such as window replacement, are also covered if they fall within the definition of “renovation.”

Question (23002-15670)

When a home or an apartment unit is repainted in preparation for a new tenant, is the painting activity always considered a “renovation” for purposes of the pre-renovation education requirements even if no surface preparation activity is performed prior to painting?

Answer

No. The primary determinant of whether a given activity constitutes a “renovation” under the RRP Rule is whether that activity disturbs a painted surface. The practice of recoating painted surfaces in preparation for new tenants would not constitute “renovation” unless accompanied by activities that disturb the painted surface and create paint dust such as sanding, scraping, or other surface preparation activities. Minor “spot” scraping or sanding can be considered “minor repair and maintenance activities” if no more than 6 square feet of paint is disturbed in any room or no more than 20 square feet of paint on any exterior to be painted, and the work does not involve practices prohibited by the Rule, such as power sanding without a high-efficiency particulate air (HEPA) filter attachment. Washing walls or other components prior to painting likely would not result in a disturbance of painted surface.

Question (23002-15672)

Does the RRP Rule apply where no paint at all is present, such as in a 100 year old unfinished basement?

Answer

No. The RRP Rule applies to activities that result in the disturbance of painted surfaces. Where there is no paint to disturb, the RRP Rule does not apply.

Question (23002-18485)

If I am painting a wall on which there are multiple coats of latex paint over the old lead-based paint and the paint is not peeling down to the lead paint level must I comply with the new regulations?

Answer

Yes, if the painted surface of the wall will be disturbed by the renovation.

Question (23002-15680)

Does the RRP Rule apply to demolishing and disposing of:

- An entire pre-1978 home or building?
- An entire, non-attached free-standing structure on the same property such as a garage, shed, or gazebo?
- An attached but segregated section of pre-1978 home or building such as a sunroom, addition, two-story porch, or garage attached by a breezeway?

Answer

The RRP Rule covers renovations, which are defined as modifications of existing structures or portions of structures. The rule does not apply to demolitions of an entire free-standing building or structure.

The RRP Rule does apply to renovation activities that modify portions of existing structures. Waste from these activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

Question (23002-14867)

Can you list specific activities deemed a disturbance of painted surfaces?

Answer

As a general matter, EPA believes that activities that create dust or paint chips are activities that disturb paint. There is no definitive list of activities that disturb painted surfaces. Some examples that can disturb painted surfaces include, but are not limited to:

- Making cut-outs in walls.
- Replacing a window from the inside or outside.
- Removing paint with a heat gun.
- Scraping paint.
- Removing kitchen cabinets.
- Removing paint by abrasive sanding.
- Removal of large structures, including demolition of interior plaster walls.
- Window replacement.
- HVAC repair or replacement, including duct work.
- Repairs resulting in isolated small surface disruptions, including drilling and sawing into wood and plaster.
- Scuff-sanding.

These activities and other activities which disturb paint could be relevant to many trades, such as (but not limited to) renovation, remodeling, general repair, general maintenance, plumbing, electrical work, carpentry, window installation, painting, weatherization work, and more.

Question (23002-18541)

My firm was hired to scrape and repaint siding on a pre-1978 home. The siding is relatively new and was installed after 1978, but was nailed over top of the old lead-based exterior paint. Does the RRP Rule apply?

Answer

Yes. The RRP Rule applies to a renovation in target housing unless it has been determined that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter (mg/cm²) or 0.5% by weight. Even though you may only disturb paint on the new siding, the RRP Rule applies unless a trained and certified person determines that lead-based paint is not present on the surfaces being disturbed. This determination must be made by a certified inspector, risk assessor or certified renovator using an EPA-recognized test kit or paint chip sampling and lab analysis. Certified inspectors or risk assessors may also use additional testing methodologies (i.e., XRF analysis, etc.) allowed under their certifications. See 40 CFR 745.82(a)(1). Certified inspectors and risk assessors may determine that a component does not contain lead-based paint because it has been replaced or installed after 1978.

If the certified inspector, risk assessor or renovator determines that lead-based paint is not present, the determination must be documented in accordance with the recordkeeping and reporting requirements of 745.86(b)(1)(ii) and (iii), and 745.86(a) and (c), but the requirements of the RRP Rule do not otherwise apply. See also FQ 23002-18220.

Question (23002-15683)

My firm is removing and replacing a furnace. The surface area of the old furnace exceeds six square feet. Does the RRP Rule apply to this activity?

Answer

The RRP Rule applies to modifications of an existing structure, or portions thereof, that result in the disturbance of painted surfaces. Fixtures such as furnaces, radiators and heating elements, as opposed to personal property, are part of existing structures for RRP purposes.

In this case, if the surface coating of the furnace will not be disturbed when the furnace is removed, then the RRP Rule does not apply. If the surface coating will be disturbed, then the RRP Rule applies absent a determination pursuant to 40 CFR 745.82(a) that the furnace is free of lead-based paint.

Question (23002-18301)

If a homeowner removes all the painted surfaces in a room and then hires a certified firm to remodel the room, does the renovator need to follow the RRP Rule?

Answer

No. Projects that do not disturb a painted surface are not subject to the RRP Rule.

Question (23002-19760)

My firm replaces garage doors. We unbolt the door from its hardware and remove it without penetrating, scraping, or removing paint. Is this work subject to the RRP Rule?

Answer

If unbolting and removing the door does not disturb a painted surface in the hinges, door, or frame, the RRP Rule does not apply. For more information on what types of activities disturb paint, see Question 6666.

Question (23002-14025)

Are renovations that disturb stucco subject to the RRP Rule? Does it matter whether the stucco has been painted?

Answer

The RRP Rule applies to work that disturbs painted surfaces. Therefore, renovations that disturb stucco are subject to the RRP Rule only if the stucco has been painted.

Question (23002-23787)

When installing a roof, my firm does not create dust by directly sanding or cutting painted surfaces, but we do hammer the unpainted side of the lumber from above. Does the RRP Rule apply to this work?

Answer

The RRP Rule applies to work that disturbs painted surfaces. If hammering painted components, even on the unpainted side, disturbs paint, creating dust or chips, the RRP Rule applies.

Question (23002-15689)

Does the RRP Rule apply to removing a roof that is not painted?

Answer

The RRP Rule applies to work that disturbs painted surfaces. Where there is no paint to disturb, the RRP Rule does not apply.

Question (23002-19751)

My firm installs replacement doors. We simply remove the hinge bolts, take away the old door, unscrew and remove the hinges, and install the new door and hinges. We may disturb paint on the hinges and bolts but do not otherwise disturb a painted surface. Is this work subject to the RRP Rule?

Answer

Because doors are not cut-outs, the entire surface area is not counted for purposes of calculating the 6 sq. ft. threshold of minor maintenance and repair—unless removing the door also disturbs any paint on the door (e.g., because of the deteriorated condition of the paint or any dust-generating activities). Therefore, if unbolting and unscrewing a door disturbs paint only on the bolts, screws and/or hinges, but does not otherwise disturb a painted surface on the door, frame, trim or surrounding walls, then the activity likely disturbs less than six square feet of painted surface and would not be subject to the RRP Rule.

Question (23002-31781)

My firm has been hired to replace windows in a home built before 1978. The existing windows are mil-finish (ie: not painted) aluminum. We plan to use the "insert" method of replacement where we remove the existing sash and attach the new window's frames inside the old frames. Because we will not disturb a painted surface (our work remains inside the mil finished aluminum), is this activity subject to the RRP ruling?

Answer

No. The activity described above does not disturb a painted surface. Therefore, the requirements of the RRP Rule do not apply.

Minor Repair and Maintenance Activities

Question (23002-18381)

If a renovator disrupts 6 square feet or less of painted surface per room in several rooms inside one property, does the RRP Rule apply?

Answer

No, as long as no prohibited work practices are used and the work does not involve window replacement or demolition of painted surfaces. The exception to the RRP rule for work that disrupts 6 square feet or less of painted surface applies to each individual room and is inclusive of all work done in the room in any 30-day period.

Question (23002-18379)

If a renovator disrupts 20 square feet or less of painted surface per side on several sides of the exterior of one property, does the RRP Rule apply?

Answer

Yes. To qualify for the exception for minor repair and maintenance activities, the total amount of exterior paint disrupted must be 20 square feet or less. In addition, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

Question (23002-19749)

My firm installs carpets. Sometimes there is no need to remove an existing carpet before installing the new carpet, but sometimes there is. How do I know when I need to comply with the RRP Rule?

Answer

If when installing the carpet you disrupt 6 square feet or less of painted surface per room, the job is not covered by the RRP Rule.

Question (23002-18484)

If I am insulating a multi-family building, does the standard for interiors of 6 square feet or less of disrupted painted surface, or the standard for exteriors of 20 square feet or less of disrupted painted surface apply to the whole building or can it be applied to each separate unit?

Answer

For interiors, the exception for work that disrupts 6 square feet or less of painted surface applies to each individual room and is inclusive of all work done in the room in any 30-day period. For exteriors, to qualify for the exception for minor repair and maintenance activities, the total amount of exterior paint disrupted must be 20 square feet or less. In addition, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

Question (23002-15677)

Does the minor maintenance exception mean that if I drill 1-inch holes in a painted surface to blow insulation into an enclosed wall cavity, I could drill 864 holes in the interior or 2880 holes on the exterior before I had to comply with the RRP Rule? Or does it mean that the work is covered by the RRP Rule once I insulate more than 6 square feet of interior wall area (basically 1 hole) or more than 20 square feet of exterior wall area?

Answer

The exception is based on the area of paint disrupted, which in this example is based on the combined areas of the holes drilled in the wall.

Question (23002-18429)

If an electrician or plumber, working in a different room from the contained renovation project, needs to drill or cut a hole six square feet or less in size to chase a wire or pipe, does the RRP rule apply to that work?

Answer

As long as 6 square feet or less of painted surface in that room is disrupted with 30 days, including the work done by the electrician or plumber, and the job does not use prohibited practices or involve window replacement or demolition of painted surfaces, the minor repair and maintenance exception to the RRP rule applies.

Question (23002-18383)

If a renovator removes less than 6 square feet of crown molding, is that considered demolition? Does it matter whether the molding will be discarded, replaced with new molding, or reinstalled?

Answer

It depends on how the molding is removed. If a renovation activity removes or otherwise disrupts a painted component in a way that destroys or ruins the component, the activity is a demolition.

Question (23002-18515)

If I use a hammer to make a hole in a wall that is two feet on each side, does the RRP Rule apply?

Answer

Yes. Although making the hole disrupts less than six square feet of painted surface, using a hammer to make the hole is demolition of the surface, so the minor repair and maintenance exception does not apply. Making the hole using a cut-out technique that does not destroy the section of the wall that is removed is not demolition, and the minor repair and maintenance exception would apply.

Question (23002-19724)

My company installs new or replacement seamless gutters. We install the gutters using self-tapping 3/16" to 1/4" screws and the cumulative size of the total number of holes is only a couple of square inches. If the job does not involve sanding, scraping, repainting, repair, replacement or reconditioning of the fascia surface, is it covered by the RRP Rule?

Answer

Minor repair and maintenance activities are not subject to the requirements of the RRP Rule. For exterior renovations, minor repair and maintenance activities are those activities that disrupt 20 square feet or less of painted surface, and do not use prohibited practices or involve window replacement or demolition of painted surfaces.

If the job described, when combined with other renovation work on the exterior of the building, does not disrupt more than 20 square feet of painted surface, and does not use prohibited practices or involve window replacement or demolition of painted surfaces, it is a minor repair and maintenance activity that is not subject to the requirements of the RRP rule.

Question (23002-19163)

Is replacing a pane of glass or fixing a broken window balancer a renovation covered by the RRP Rule?

Answer

It depends. Replacing a pane of glass or fixing a broken window balancer can disturb paint. If the job disrupts more than 6 square feet of painted surface per room, the job is not considered minor repair and maintenance and it is covered by the RRP Rule. When removing a component, calculate the 6 square foot area based on the surface area of the component.

Question (23002-15404)

Does drilling holes in window frames to install window treatments such as shades and shutters qualify as minor repair and maintenance?

Answer

Yes, as long as the installation does not disturb more than six square feet of painted surface per room within a 30 day period.

Question (23002-14294)

As a floor covering installer I use an undercut saw to remove a small amount of wood at the bottom of baseboards and door casings. I am only disturbing the paint in the 1/8 inch cut of the blade. How do I

calculate the area of the paint that is affected for purposes of the minor repair and maintenance provision?

Answer

A job is considered minor repair and maintenance, rather than a renovation covered by the RRP Rule, if it disrupts 6 square feet or less of painted surface per room in a 30 day period. Calculate the area of painted surface disrupted based on the surface area of the component that is disrupted. For example, cutting a 1-inch strip off a door that is 36 inches wide would disrupt 36 square inches of painted surface, regardless of the width of the cut made by the saw blade.

Question (23002-23857)

When replacing an old wood door and frame with a new steel entry door and frame, how do I determine whether the job qualifies as a minor repair and maintenance activity? Do I calculate the amount of painted surface disrupted using the standard for interior renovations (6 square feet or less in the room where the door is located) or for exterior renovations (20 square feet or less)?

Answer

If replacing the door and frame disrupts more than 6 square feet of interior painted surface in the room where the door is located, or more than 20 square feet on the exterior of the building, the job does not qualify as a minor repair and maintenance activity, and the RRP Rule applies. Calculate the area of painted surface disrupted based on the surface area of the component that is disrupted. In addition, to qualify as a minor repair and maintenance activity, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

Question (23002-31779)

My firm removes and replaces garage doors. The garage doors are typically made up of multiple panels, each of which has an exterior painted surface area of less than 20 square feet. Aggregated, the exterior painted surface area of all the panels exceeds 20 square feet. If we disturb the paint on just one of the door panels, is that activity subject to the RRP Rule?

Answer

An activity that disturbs less than 20 square feet of exterior painted surface and otherwise meets the definition of minor repair and maintenance is not subject to the RRP Rule. However, the RRP Rule provides that when removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.

In this case, application of the RRP Rule is dependent on how much of the garage door your firm intends to remove and replace. If you disturb a painted surface on a single panel while removing and replacing the entire garage door (i.e., all the panels), you must aggregate the surface area of all the panels. Similarly, if you disturb a painted surface on a single panel while removing and replacing more than one panel, you must aggregate the surface area of those panels being removed to determine whether or not the RRP Rule applies. If, however, you disturb a painted surface on a single panel while removing and replacing only that panel, and the activity disturbs less than 20 square feet of exterior painted surface and otherwise meets the definition of minor repair and maintenance (e.g., not demolition or using prohibited practices), such an activity would be considered minor repair and maintenance, and therefore would not be subject to the RRP Rule.

Question (23002-32366)

Please provide guidance on how the Agency will interpret the term “minor repair and maintenance activities.” Is the replacement of a window measuring less than 6 square feet considered minor repair and maintenance? If I use a torch to burn off less than 20 square feet of paint on exterior fixtures, is that considered minor repair and maintenance? What does EPA mean by demolition? How is the size of the disrupted surface calculated? If I sand 5 square feet of paint on one wall on one day, and 5 square feet on a different wall in the same room on the next day, are both projects considered minor repair and maintenance?

Answer

“Minor repair and maintenance” is defined in 40 CFR 745.83 as activities that disrupt less than 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. Even if an entire window measures less than 6 square feet, the replacement of any size window is a renovation, not minor repair and maintenance, because it is specifically excluded from the definition of “minor repair and maintenance.” Similarly, because torch burning is prohibited by 745.85(a)(3), no activity involving torch burning can be considered minor repair and maintenance. For the purposes of the definition of minor repair and maintenance, EPA considers demolition to be an activity that removes or otherwise disrupts a painted component in a way that destroys or ruins the component.

The definition of “minor repair and maintenance” provides some guidance on how to measure the surface disrupted: “When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.” In other cases, when painted surfaces are being disturbed or disrupted, but not completely removed, the disrupted surface area is the area being actively disturbed. For example, when spot sanding to prepare a surface for painting, the area of the surface that was actually sanded is the surface area disrupted.

Finally, the definition of “minor repair and maintenance” states that “jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.” Therefore, sanding 5 square feet of paint in the same room on two different days within the same 30 day period must be considered the same job, which would be a renovation because it does not meet the definition of “minor repair and maintenance.”

Renovations for Compensation

Question (23002-32214)

Is work done by friends, a brother-in-law, or volunteers covered by the RRP Rule if no one is compensated?

Answer

No. The RRP Rule only applies to renovations performed for compensation. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space.

Even if you are not required to comply with the RRP Rule, it is important to be aware that renovation activities can create hazardous lead dust and chips. The key to protecting yourself and your family during renovation is to use lead-safe work practices. Information on these practices is available in the *EPA Small Entity Compliance Guide to Renovate Right*, available in English and Spanish by visiting

<http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

Question (23002-19773)

My non-profit home repair organization performs renovations using mostly volunteers. We do some painting and scraping but we do mostly roof repair and interior work (bathrooms, kitchens, etc.). Obviously, we want to be in compliance with the law and we want our volunteers, staff and homeowners to be safe. Equally, we want to make sure that we are able to continue to offer this valuable service to our community. Is my organization's work covered by the RRP Rule?

Answer

The RRP rule covers renovations performed for compensation. If the organization is compensating anyone for the work (for example, a paid supervisor), then the renovation is covered by the RRP Rule. This is the case even though the organization has non-profit status.

The organization may also need to become certified as a firm. Beginning April 22, 2010, an organization that performs, offers, or claims to perform renovations covered by the RRP Rule must be certified by EPA. A non-profit organization that offers to renovate the property of a third party for compensation, or that performs the renovation, must be certified as a firm. The organization must comply with all the requirements of the rule that apply to firms performing renovations. This includes having a certified renovator direct the work and provide on-the-job training to all uncertified workers, including volunteers.

Question (23002-17957)

How will the RRP Rule affect the work of non-profit or not-for-profit groups? Will the rule apply, for example, to church groups who, as part of their missionary work, are making improvements for low-income residents?

Answer

The RRP Rule applies to renovations performed for compensation. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space. Donations, including donations of materials or of the time of volunteers, are not compensation. If the organization is compensating anyone for the work (for example, a paid supervisor), then the renovation is covered by the RRP Rule. This is the case even though the organization has non-profit or not-for-profit status.

The organization may also need to become certified as a firm. Beginning April 22, 2010, an organization that performs, offers, or claims to perform renovations covered by the RRP Rule must be certified by EPA. A non-profit organization that offers to renovate the property of a third party for compensation, or that performs the renovation, must be certified as a firm. The organization must comply with all the requirements of the rule that apply to firms performing renovations. This includes having a certified renovator direct the work and provide on-the-job training to all uncertified workers, including volunteers.

Question (23002-18382)

If a renovator is only reimbursed for materials, would that be considered compensation?

Answer

No. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management

companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space. Reimbursement for the cost of materials is not compensation.

Question (23002-23856)

When repainting rental housing, if the landlord supplies the paint and materials, and the tenant does the labor without receiving money, credit toward rent, or other compensation, does the RRP Rule apply?

Answer

No. The RRP Rule only applies to renovations performed for compensation.

Question (23002-19765)

My local community has formed a “Long Term Recovery Committee” to assist in the rebuilding and recovery efforts following a natural disaster. The committee, which is a coalition of member agencies from the faith community, nonprofit agencies, government programs, businesses and individual donors, gathers monetary and material donations and provides assistance to families with unmet needs via volunteer work crews and/or contracted skilled labor. Are the rebuilding and recovery efforts organized by this committee subject to the RRP Rule?

Answer

It depends. Renovation activities that are performed for free by committee volunteers are not covered under the Rule because they are not “renovations performed for compensation.” Donations, such as donations of materials or of the time of volunteers, are not compensation. Conversely, renovation activities that are performed by renovators or firms who are compensated for their services are subject to all requirements under the Rule. This applies if the committee is compensating anyone for the work (ex. a paid supervisor), even if the committee has non-profit or not-for-profit status.

Question (23002-32412)

I have a for-profit business where I purchase residential properties and renovate them. I initially try to rent the property, but if I can't find tenants, then I try to sell the property. I pay for and perform all of the work myself, and keep all profits from the sale or lease. Is this type of renovation work on pre-1978 properties covered by the Renovation Repair and Painting (RRP) Rule?

Answer

Yes. Individuals who buy, renovate, and sell pre-1978 residential properties for a profit (i.e., house flippers) or lease pre-1978 residential properties (i.e., landlords), and do the renovation work themselves, are performing renovations for compensation and are therefore subject to all requirements under the RRP Rule. You must be a trained and certified renovator in order to perform the work, and certified as a lead-safe firm. See FQ #23002-18512 for more information related to landlords performing their own renovations in pre-1978 housing.

Similarly, businesses that buy, renovate, and sell pre-1978 residential properties and use their own employees to do the renovation work are performing renovations for compensation and are subject to all requirements under the RRP Rule. The business must be a lead-safe certified firm, and employ at least one certified renovator to perform the covered renovations.

However, individuals or businesses that buy, renovate, and sell pre-1978 residential properties (i.e., flip houses) do not need to be certified if they hire an outside renovation firm to perform all the work. The outside renovation firm hired must be a lead-safe certified firm, perform the renovation using a trained

and certified renovator, and is otherwise responsible for meeting all work practice and recordkeeping requirements.

Target Housing

Question (23002-17116)

How does a firm or renovator document or confirm the age of the structure? Is a signed statement by the occupant sufficient? Can publicly available information such as tax records, etc. be sufficient?

Answer

Renovation firms are responsible for determining the age of the property. The property owner is likely to be a good source of information on the age of a home or other building, but the firm may not rely on the statement of the property owner as to the construction date of the building if there is evidence to the contrary. If in doubt, renovation firms can use tax assessments, property records, and similar information to determine the date of construction. Finally, the renovation firm may always assume that a home or child-occupied facility was constructed before 1978.

Question (23002-15716)

Does the term "target housing" mean just low income housing, or any home built before 1978 regardless of the financial status of the occupants?

Answer

"Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. The income of the occupants of the housing is not relevant.

Question (23002-18146)

I understand that the RRP Rule does not apply to housing for the elderly. Does this term refer to specific built houses in 55+ communities or does it refer to all residential homes with this demographic living there?

Answer

"Housing for the elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy. Housing for the elderly is not subject to the RRP Rule unless a child who is less than six years of age resides or is expected to reside in the housing.

Question (23002-18144)

I understand that the RRP rule does not apply to dormitories. Does the rule apply to a unit of student housing made up of two bedrooms, a living room, and kitchen?

Answer

Yes. While the RRP rule does not apply to zero-bedroom housing, the type of housing described is not zero-bedroom housing. Zero-bedroom housing means a residential dwelling in which the living area is not separated from the sleeping area. Examples include efficiencies, studio apartments, and dormitory housing. In the example given, the bedrooms provide sleeping areas that are separate from the living area, so the housing does not meet the definition of zero-bedroom housing and the RRP rule applies.

Question (23002-17978)

I am a contractor a couple years from retirement and I am closing down my business. I do not plan to become certified under the RRP Rule. My understanding is that I can continue working on homes built after 1978?

Answer

The RRP Rule does not apply to renovations in housing built in 1978 or later.

Question (23002-19840)

Older hotels built before 1978 are knocking down walls, combining two hotel rooms, and making their units two-room or even three-room suites. My understanding has been that single hotel rooms are considered zero-bedroom dwellings. Does the RRP Rule apply when one-room units are converted to two-room suites?

Answer

Yes. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation for purposes of the RRP Rule.

Hotel suites that provide a sleeping area that is separate from the living area are covered by the RRP Rule because they are not zero-bedroom dwellings. A zero-bedroom dwelling is a residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

Question (23002-22024)

What is "housing for persons with disabilities"?

Answer

"Housing for persons with disabilities" means housing that is designed to meet the special needs of persons with disabilities and that is reserved for such persons. A person with a disability may include a person who has a disability attributable to a mental or physical impairment, or a person with a chronic mental illness. EPA recommends that you check with state or local housing authorities if it is unclear whether a particular property meets this definition.

Question (23002-22148)

What is a studio apartment?

Answer

A studio apartment is an apartment in which the living area is not separated from the sleeping area.

Question (23002-18378)

If a renovation is taking place in a home built in 1950, but in an addition that was built in 1980, does the RRP Rule apply to the renovation?

Answer

Yes. The RRP Rule applies to a renovation in target housing unless it has been determined that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm²) or 0.5% by weight.

For purposes of the RRP Rule, only a certified renovator, inspector or risk assessor can make this determination. Certified renovators must base their findings on the results of an EPA-recognized test kit or paint chip sampling. See 40 CFR 745.82(a)(2) and (3). Certified inspectors or risk assessors may also base their findings on the results of an EPA-recognized test kit, or can use the additional testing methodologies (ex. XRF analysis, etc.) allowed under their certifications. See 40 CFR 745.82(a)(1). Notably, certified inspectors and risk assessors may determine that a component does not contain lead-based paint because it has been replaced after 1978.

Any firm performing paint chip sampling or testing for the presence lead-based paint for RRP purposes must keep a copy of the written determination and make the records available to EPA if requested.

Question (23002-14024)

Are renovations in short-term lodgings, such as hotels and motels, time share properties, and homeless shelters, covered by the RRP Rule?

Answer

Yes, if the property renovated is not a zero-bedroom dwelling. A zero-bedroom dwelling is a residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

The short-term nature of a property's occupancy does not in itself exempt it from the RRP Rule.

Question (23002-15690)

Does the RRP Rule apply to renovations in mobile homes?

Answer

Yes, if the mobile home meets the definition of target housing. "Target housing" is any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in the housing), or a zero-bedroom dwelling. A zero-bedroom dwelling is a residential dwelling in which the living area is not separated from the sleeping area.

Question (23002-31782)

Are renovations performed on detached garages, sheds and other detached outbuildings on the property subject to the RRP Rule?

Answer

Yes. EPA interprets target housing to include pre-1978 buildings or structures that are (1) located on the residential portion of the property, and (2) associated with the residential use of the property. As a practical matter, the entire property of most urban and suburban residential lots is normally considered to be associated with residential use.

In the case of real property that is used for nonresidential as well as residential purposes, a judgment should be made as to which part of the property is associated with residential use. For example, if the structure is in such close proximity that the renovation would pose a risk to those using the property for residential purposes, the structure would be considered associated with the residential use of the property and the RRP Rule would apply.

Question (23002-31783)

My firm plans on doing renovation work on a storage building which is detached from, but a part of, an apartment complex. The apartment complex was constructed prior to 1978 and would be considered target housing. The storage building, however, was constructed after 1978. Will our work on the storage building be covered under the RRP Rule?

Answer

The RRP Rule does not apply to renovations of a detached post-1978 building or structure, even if the building or structure is located on the residential portion of the property or associated with the residential use of the property.

Question (23002-32492)

Are prison facilities and juvenile detention centers built before 1978 considered target housing?

Answer

Target housing means any housing constructed prior to 1978. Certain parts of prison facilities and juvenile detention centers that house incarcerated persons are housing. However, as a practical matter, EPA believes that the most parts of prisons and juvenile detention centers that would be considered housing are also zero bedroom dwellings (i.e. a residential dwelling in which the living area is not separated from the sleeping area) and therefore not subject to the RRP Rule.

Question (23002-32518)

Does zoning affect the target housing determination? For example, would a pre-1978 house that is zoned for commercial or office use, but used for residential purposes be considered target housing?

Answer

In determining whether a pre-1978 property is target housing, it is the actual or intended use of the property that matters, not its zoning classification. Therefore, a pre-1978 house that is used or intended to be used as a residence, even if only temporary, is target housing regardless of its zoning classification. The actual or intended use of a property is often made apparent by the type of building features it contains. Residential use, for example, is likely when the building contains a kitchen, bathroom(s), bedroom(s), living room, etc.

Question (23002-32519)

How would RRP classify a pre-1978 property that is used for both residential and non-residential purposes? For example, would RRP apply to renovations in a pre-1978 house that is partially used as a residence and partially used as a legitimate commercial business?

Answer

EPA has interpreted target housing to include pre-1978 buildings or structures that are (1) located on the residential portion of the property, and (2) associated with the residential use of the property. In other

words, if a portion of residential property is used for nonresidential purposes, the portion will nonetheless be considered target housing if it is associated with residential use. The portion would be considered associated with the residential use of the property if it is in such close proximity that the renovation would pose a risk to those using the property for residential purposes.

In the above example, if the room or structure containing the commercial business was (1) on the residential portion of the property, and (2) was in such close proximity to the residential use of the property that a renovation would pose a risk to the residents, the room or structure would be considered target housing and the RRP Rule would apply.

Question (23002-33291)

Are sleeping areas in building built before 1978, such as those in fire and police stations, considered target housing?

Answer

Firehouses and police stations are not target housing. Therefore places of temporary rest for employees in these buildings, such as sleeping rooms, are not subject to the RRP Rule.

Question (23002-33649)

How do the RRP requirements apply to renovations on a pre-1978 building that contains both multi-room apartments (i.e., target housing) and zero-bedroom dwellings?

Answer

In pre-1978 buildings that contain a mix of target housing and zero-bedroom dwellings, the RRP rule applies only to renovations performed in target housing and common areas. Common areas are those portions of a property generally accessible to residents/users of target housing, and can exist on both the interior and exterior of the building. They include, but are not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers and boundary fences.

Therefore, in a building that contains both multi-room apartments (i.e., target housing) and zero-bedroom dwellings (i.e., non-target housing), the RRP Rule applies to renovations in the multi-room apartments and to renovations on those portions of the property that are generally accessible to all residents/users of the building. The RRP rule does not apply to work performed in the zero-bedroom dwellings.

Child-Occupied Facilities

Question (23002-18778)

Is a health care facility or hospital covered under the RRP Rule if it meets the definition of a child-occupied facility?

Answer

Yes. The RRP Rule defines a child-occupied facility as a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

Question (23002-18212)

If a building contains a child-occupied facility, must all renovations in the building follow the RRP Rule?

Answer

Not necessarily. "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

Question (23002-15688)

Does the RRP Rule apply to office buildings, stores, and other commercial buildings?

Answer

No, unless the renovation is taking place in a child-occupied facility that is located in a commercial building. "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

Question (23002-22691)

What is the definition of a child under 6 years of age?

Answer

A child under six years of age is a child that is less than 72 months old.

Question (23002-13611)

A child's consecutive visits to a particular building (such as a hospital) can technically qualify that building as a child-occupied facility, even if the visits were an isolated or rare event. How long does such a building remain a child-occupied facility?

Answer

A building, or portion of a building, is defined as a child-occupied facility when visited regularly by the same child, under 6 years of age, on at least two different days within any week, provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. The determination of whether a building is a child-occupied facility (i.e. whether a child under age six regularly visits the building as set forth above) requires an accounting of annual visits. Therefore, whenever a building meets the definition of a child-occupied facility, it remains so for at least a period of one year. After that period, it may be determined that the building no longer meets the definitions of a child-occupied facility.

Testing Painted Components

Question (23002-18782)

Is a lead-based paint inspection, performed by a certified inspector or risk assessor, that includes a written determination that various building components are free of paint or other surface coatings containing lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm²) or 0.5% by weight sufficient to determine compliance with requirements of the RRP rule?

Answer

The RRP Rule does not apply to target housing where a certified inspector or risk assessor has determined that the components affected by the renovation are free of regulated lead-based paint or that a property is free of lead-based paint for the purposes of the Lead Disclosure Rule.

The RRP Rule does not require certified inspectors or certified risk assessors to test each and every component that will be affected by a renovation. Certified inspectors or risk assessors are free to conduct representative sampling, so long as the components to be tested are chosen in accordance with documented methodologies, such as the HUD Guidelines. However, because certified renovator training does not cover representative sampling protocols, certified renovators using EPA-recognized test kits or performing paint chip sampling to determine the applicability of the RRP Rule must test each and every component that will be affected in order to determine that the RRP Rule does not apply to a particular renovation.

Question (23002-18015)

I am an owner/agent for an apartment community built prior to 1978. In 2004, testing of a random sample of units was completed by a certified testing firm. The results were negative for lead paint but positive for lead dust. With the positive lead dust result, are we required to comply with the RRP Rule?

Answer

No. As long as the determination that the units are free of lead-based paint was made by an inspector or risk assessor certified by EPA or by an authorized State or Tribal program, renovations in the building are not covered by the RRP Rule.

Question (23002-32215)

When testing a property for the presence of lead prior to beginning a renovation using an EPA-recognized test kit, must I test every component affected by the renovation?

Answer

Yes. Because certified renovator training does not cover sampling protocols, certified renovators using EPA-recognized test kits or performing paint chip sampling to determine the applicability of the RRP Rule must test each and every component that will be affected in order to determine that the RRP Rule does not apply to a particular renovation.

Question (23002-18218)

If a certified inspector or risk assessor determines that a component was installed post-1978 and is therefore free of lead-based paint, can the renovation firm rely on this determination?

Answer

Yes, as long as the renovation firm has obtained a copy of the determination. The firm must retain a copy of the determination for three years after completion of the renovation.

Question (23002-18347)

If a property is tested by a certified renovator, inspector, or risk assessor and found to be free of lead-based paint, does any testing need to be done again if work is done on the property several years later?

Answer

Where a certified renovator uses an EPA-approved test kit or performs paint chip sampling to determine that a component is free of lead-based paint, or a lead-based paint free determination is made by a certified inspector or risk assessor, firms performing renovations on the same components may rely on these results as long as the records are still available. Lead-based paint free determinations by a certified inspector or risk assessor are valid for both the tenant disclosure exemption from 1018 and the RRP Rule and they do not expire.

Question (23002-33377)

I'm a certified renovator using an EPA-recognized lead test kit to determine whether or not I have to follow the Renovation Repair and Painting (RRP) Rule work practices. What components must test negative for lead-based paint in order to qualify for the exclusion in 40 CFR 745.82(a)(2)?

Answer

Generally, a certified renovator using an EPA-recognized test kit must test each building component to be disturbed. The only exception to this requirement is when the components make up an integrated whole. In such a case, one or more component(s) may represent a system of components, unless it is obvious to the renovator that the components have been repainted or refinished separately.

A staircase, for example, is made up of numerous repeating components which can be grouped together as integrated wholes for testing purposes. For these purposes, staircase components can be grouped into the following integrated wholes: (1) treads and risers, (2) balustrades, (3) newel posts, (4) railing caps, and (5) stringers. A single individual staircase component (e.g., a baluster) may represent the remaining staircase components of the same group (i.e., the rest of the balustrades on the staircase) unless it is obvious to the renovator that the components have been repainted or refinished separately. Therefore, where an entire staircase is to be disturbed, EPA believes it will be necessary to test five surfaces: one tread or riser, one balustrade, one newel post, one railing cap, and one exposed stringer. So long as it is not obvious that the components have been repainted or refinished separately, a negative test for lead-based paint on an individual staircase component in each of these groups would mean that a renovation on that particular staircase could be performed without regard to the RRP work practices.

EPA also believes it appropriate to apply the integrated whole concept to windows and doors. For testing purposes, window and door components can be grouped into the following integrated wholes: (1) the window or door assembly and (2) the window or door trim. Window assembly components include the sashes, stops, head, jambs, sill or stool, and trough; door assembly components include the door slab(s), jambs, head, sill and threshold. As a practical matter, it is likely that interior and exterior surfaces of window and door assemblies were repainted or refinished separately and should be tested separately. Therefore, where both the window/door assembly and trim will be disturbed (e.g., a full-frame window/door replacement), EPA believes that it will be necessary to test four surfaces: one interior window/door assembly component, one interior window/door trim, one exterior window/door assembly component, and one exterior window/door trim. However, if you only disturb paint on the interior or exterior of a window then you only need to test the assembly and trim on that side. If it is not obvious that the components have been repainted or refinished separately, a negative test for lead-based paint on a component in each of these groups would mean that a renovation on that particular window or door could be performed without regard to the RRP work practices.

NOTE: Each window, door and staircase to be disturbed must be separately tested, even if in the same room. Also, negative testing results must still be documented in accordance with the recordkeeping and reporting requirements of 745.86(b)(1)(ii) and (iii), and 745.86(a) and (c). See also FQ 23002-18220.

Emergency Renovations

Question (23002-32367)

What is an “emergency renovation” for purposes of the RRP Rule?

Answer

Emergency renovations are those performed in response to situations necessitating immediate action to address safety or public health hazards or threats of significant damage to equipment and/or property. The need for immediate action relieves firms from the pre-renovation education requirements. Likewise, emergency renovations are exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. The cleaning, cleaning verification, and recordkeeping requirements still apply.

Once the portion of the repair that addresses the source of the emergency is completed, however, the justification for the exemption from the rule is no longer operative; therefore, any additional renovation activity needed to return the renovation work area to its pre-emergency condition would be subject to the requirements of the rule. Thus, for example, repairing a hole in a wall after a broken water pipe has been repaired would be subject to the rule, as would repainting any water-stained walls or ceilings resulting from the pipe break.

Question (23002-16822)

How do I know if a child has an EBL prior to my work if they haven't had their blood lead tested recently?

Answer

It is never the renovation firm's responsibility to determine whether a child has an elevated blood lead (EBL) level.

Question (23002-15678)

Does the RRP rule apply to contractors working on homes damaged by a hurricane or other natural disaster?

Answer

Damage from a major storm or other natural disaster could result in the need for emergency renovations. Certain requirements of the RRP Rule do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. The information distribution requirements do not apply to emergency renovations. Weather-based emergency renovations are also exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. These emergency renovations are not exempt from cleaning requirements, cleaning verification requirements, or recordkeeping requirements.

Question (23002-19734)

My company only does emergency renovation work. According to your guidelines emergency projects are exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. Emergency renovations are NOT exempt from the cleaning and cleaning verification requirements. Does this mean that my firm does not need to be certified and my company doesn't need a certified renovator? Does this also mean that my employees would only have to be trained on cleaning and cleaning verification guidelines?

Answer

No. Emergency renovations (other than interim controls performed in response to a child with an elevated blood lead level), are exempt from the training, certification, sign posting, waste handling and containment requirements of the RRP Rule *only to the extent necessary to respond to the emergency*. For example, most property management companies that do their own maintenance are likely to have at least one trained and certified renovator on staff to perform renovations, so these companies should be able to comply with the training and certification requirements on all renovations. A firm that performs only emergency renovation work by definition can anticipate the need to perform emergency renovations and should be able to comply with the training and certification requirements of the RRP Rule.

Opt-Out Provision

Question (23002-32216)

What was the "opt-out" provision and when was it revoked?

Answer

On April 22, 2010, EPA issued a Final Rule revoking the opt-out provision of the 2008 RRP Rule. The Rule was published in the Federal Register on May 6, 2010, and took effect on July 6, 2010.

As originally published in 2008, the RRP Rule allowed homeowners to "opt out" of the requirement to hire a trained renovator who follows the RRP work practices if the homeowner certifies that (1) the renovation will occur in the owner's residence, (2) no child under age 6 or pregnant women resides there, (3) the housing is not a child-occupied facility, and (4) the owner acknowledges that the renovation firm will not be required to use the work practices contained in the RRP Rule.

Under the 2010 RRP Rule, homeowners are no longer permitted to "opt out" of having a renovation performed without the RRP work practices.

Question (23002-19761)

My firm started a renovation job before July 6, 2010 and the homeowner "opted-out". Since the opt-out provision was removed, what happens on July 6, 2010 (if the renovation activities are still ongoing but the opt-out is no longer available)? Do I have to start following the rule requirements or can I still rely on the opt-out statement from the owner?

Answer

EPA notes that "renovation" under the rule is defined, in general, as the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces. Thus, if all the paint disturbing activities on a job have been completed before July 6, 2010, even though the job itself isn't finished, the requirements of the rule would not be triggered.

Generally, on or after July 6, 2010, activities that disturb painted surfaces must be performed in accordance with the work practice standards and training requirements of the Renovation, Repair, and Painting Rule. EPA believes that it is important that you minimize exposure of your clients and their family to lead-paint dust.

However, EPA recognizes that in some cases it may be infeasible for a renovator with an opt-out to stage a project in a manner that ensures completion of paint disturbing activities prior to July 6, 2010. In such circumstances of infeasibility, EPA believes that renovators should be able to conclude paint disturbing activities with the benefit of the opt-out even if the work continues briefly after July 6. However, any such work that is not in full compliance with the rule requirements must be completed as expeditiously as possible after July 6.

Pre-Renovation Education

Question (23002-18832)

Is an electronic version of the lead information pamphlet sent to the customer via e-mail an acceptable means of distributing the information?

Answer

The distribution of the lead information pamphlet (40 CFR § 745.83) via e-mail is an acceptable means of distributing the pamphlet as long as the requirements of the Electronic Signatures in Global and National Commerce Act ("Act") (15 U.S.C. § 7001 et seq.) are met. The Act requires that the recipient of the pamphlet, among other things, consents electronically to email delivery and in a manner that demonstrates that the recipient can access the information in the form it will be provided. In addition, the recipient must be allowed to withdraw this consent and be informed of the procedures for withdrawing consent. Further, the recipient must be provided with a statement of the hardware and software requirements for accessing and retaining the pamphlet.

Question (23002-21374)

What are the pre-renovation education requirements for a vacant apartment?

Answer

Firms performing renovations must provide pre-renovation education to the owner of the unit and to an adult occupant. If the unit is not occupied, providing pre-renovation education to the owner of the unit is sufficient. For additional information on these requirements, visit <http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

Question (23002-19756)

My firm performs renovations in large apartment complexes that often consist of several separate buildings. If a renovation is to be performed in a common area in one building, are we required to provide pre-renovation education to all tenants in all buildings?

Answer

When renovations are to be performed in common areas of multi-unit target housing, the RRP Rule requires that the firm notify in writing both the owner of the building and each “affected unit.” See 745.84(b)(1) and (2). Common areas are those portions of a property generally accessible to residents/users, and can exist on both the interior and exterior of the building.

Generally, the exterior of a building in a multi-building complex is likely to be accessible to all residents/users in all buildings. Therefore, if a renovation is to be performed on an exterior common area, all units would probably be “affected units” and require notification. Conversely, the interior of a building is likely only to be accessible to the residents/users of that particular building. If a renovation is to be performed in an interior common area of one building in a multi-building complex, then only the units located in that building would be “affected” and require notification.

Firms may choose to comply with this requirement by mailing or hand delivering the “Renovate Right” pamphlet and information to each “affected unit,” or by posting informational signs while the renovation is ongoing describing the general nature and location of the renovation and anticipated completion date. For additional information on these options, visit <http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>. As a practical matter, when “affected units” are difficult to determine, it may be easier or more efficient for firms to meet the pre-renovation education requirements by posting informational signs in the appropriate locations.

Question (23002-18349)

When multiple contractors are involved in a single renovation, must every contractor provide pre-renovation education? Can a certified firm assign its responsibility to a property management company?

Answer

All firms performing, offering or claiming to perform renovations are responsible for ensuring compliance with the pre-renovation education requirements of the RRP Rule. However, it is unnecessary for the same notifications and information to be given out repeatedly during a single renovation. Accordingly, a firm may discharge the task by reaching agreement on who will provide the required pre-renovation education, including an agreement to assign the task to a property management company. However, even with such an agreement in place, each firm remains responsible for ensuring that the pre-renovation education requirements are met.

Note: Firms may reach a similar agreement on who will prepare, retain and make available the necessary records. See FQ 23002-18287.

Question (23002-23854)

When renovating a common area in an apartment building, must my firm provide pre-renovation education to all tenants?

Answer

Yes. Firms performing renovations in common areas of multi-unit housing must comply with the information distribution requirements before beginning renovation activities. The firm must provide the owner of the common area being renovated (generally the building owner) with the “Renovate Right” pamphlet and obtain a written acknowledgement of receipt. The firm must also provide the occupant of each individual unit affected by the renovation with information describing the general nature and locations of the renovation and the anticipated completion date. The firm may comply with this requirement either by mailing or hand-delivering the pamphlet and information to each unit, or by posting informational signs while the renovation is ongoing describing the general nature and locations of the renovation and the anticipated completion date. For additional information on these requirements, visit <http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

Question (23002-17773)

How can a firm comply with the pre-renovation education requirements if the owner desires that the renovation begin immediately?

Answer

If the renovation is taking place in a owner-occupied dwelling unit, a firm must simply provide the owner with a copy of the pamphlet, and either (1) obtain, from the owner, a written acknowledgement that the owner has received the pamphlet, or (2) obtain a certificate of mailing at least 7 days prior to the renovation.

If the owner does not occupy the dwelling unit (ex. the unit is leased), the firm must also provide an adult occupant with a copy of the pamphlet, and either (1) obtain from the adult occupant a written acknowledgement that the adult occupant has received the pamphlet, or (2) obtain a certificate of mailing at least 7 days prior to the renovation. If an adult occupant is unavailable for signing an acknowledgment, a firm may employ the self-certification procedures described in 40 CFR 745.84(a)(2)(i), which require the firm to sign and date a statement attesting to the unavailability of the occupant and to the delivery of the pamphlet to the dwelling.

As a reminder, if the work to be performed is an “emergency renovation,” as defined in 40 CFR 745.82(b), the firm need not comply with the pre-renovation education requirements.

Question (23002-15799)

EPA’s pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* is currently not published in a Braille format. If working in target housing occupied by persons who are blind, how should a firm comply with the pre-renovation information distribution requirements?

Answer

In addition to distributing the regular pamphlet, a firm working in such an environment should take extra precaution to ensure that the owner and occupants are aware of and understand the various dangers associated with lead. If necessary, a firm should be prepared to verbally convey the information in the

pamphlet. Furthermore, because posted signs are not likely to warn blind occupants, a firm should also take necessary steps to inform them of the location of the work area and advise them to stay outside of the work area until the renovation is complete. Finally, a firm must prepare, sign and date a statement describing the steps performed to notify occupants of the renovation and to provide them with the pamphlet and information therein.

Question (23002-19753)

My firm is going to perform renovations in a school during the students' summer break. During the regular school year, the work area would fall under the definition of a child-occupied facility. However, no children under age 6 will be present during this multiple month break period. Do we still have to comply with the pre-renovation education requirements? If so, how should the information be distributed?

Answer

Yes. Even though the renovations will be taking place during a time when no children will be present, the building (or portion of the building) will remain a child-occupied facility. Breaks, such as those for summer or winter, are mere temporary disruptions in regular visits by children.

To provide the required information to the parents and guardian of children using the child-occupied facility, a firm must either (1) mail or hand deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility or (2) post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children. The signs must also be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can obtain a free copy from the renovation firm.

Question (23002-18346)

If a project disturbs six square feet or less of interior surface or twenty square feet or less of exterior surface, is it necessary for a firm to comply with the pre-renovation education requirements, such as distributing the pamphlet?

Answer

No. A project that disturbs six square feet or less of interior painted surface or twenty square feet or less of exterior painted surface is not considered a "renovation" under the Rule. It is considered a minor maintenance and repair activity. As long as this type of disturbance does not involve any prohibited work practice, window replacement or demolition of painted surfaces, a firm need not comply with the pre-renovation education requirements.

Question (23002-32354)

I regularly perform renovations and repairs to common areas in a large apartment complex. Must I provide separate notice to the tenants for each one of these activities or is there any way to avoid such duplication?

Answer

EPA recognizes that neither residents nor owners/managers/renovators are well-served if duplicative notifications are frequently issued for similar renovation activities. There are several options owners/managers/renovators may use to most efficiently provide residents in both single-family and multi-family housing with the necessary information.

(A) Informational Signs – Owners/managers/renovators may provide notice of renovation activities in common areas to affected tenants by posting signs. Signs must be posted while the

renovation is ongoing and they must describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the "Renovate Right" pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the occupants.

(B) Category Notices – When renovation activities fall within distinct categories which are performed on a cyclical or recurring basis (e.g., hallway painting), they may be grouped into a single notice which describes the categories and provides a description of the locations affected. To fulfill the requirement for providing timing information for the renovations, owners/managers/renovators may either list the expected starting and ending dates, or employ one of the other methods for meeting the timing requirements described below.

(C) Bi-monthly Notices – Section 745.84(a) of the RRP Rule requires that notifications be given no more than 60 days before renovation activities begin. To minimize the number of notices required, owners/managers/renovators may group all of the renovation activities expected to occur over a 60-day period into a single notice distributed bi-monthly (every other month). Renovation activities which were expected to occur within a given 60-day period, but which were canceled or postponed, would simply be addressed in the subsequent bimonthly notice. Including renovation notices in, or as an attachment to, a pre-existing newsletter is acceptable provided that the cover of the newsletter prominently indicates that lead-based paint renovation notices are contained in or attached to the newsletter.

Descriptions of Renovation Timing -- Section 745.84(b)(2) of the RRP Rule requires that notices contain the "expected starting and ending dates" of the proposed common area renovations. Although providing specific dates is preferable wherever possible, the Agency is aware that unexpected events or circumstances often result in delays and/or cancellations of planned renovation activities. To provide sufficient flexibility without unduly compromising residents' rights to information on the timing of renovations in common areas, owners/managers/renovators may employ the following terminology to address the following timing scenarios to avoid the needing to issue supplemental notices:

–"On or about" -- acceptable when the expected starting or ending dates occurs one week before or after the date given.

–"Early [insert month name]" – acceptable when the expected starting or ending dates occurs during the first half of the specified month.

–"Late [insert month name]" -- acceptable when the expected starting or ending dates occurs during the second half of the specified month.

–"Ongoing for the 12-month period beginning [insert month name]" – acceptable when the renovation commences within 60 days of the issuance of the notice and continues throughout the 12-month period. If an interruption of more than 60 days occurs anytime after commencement of such activity, a new notice will be required before the activity may restart.

Descriptions of Renovation Ending Dates – Due to the inherent difficulties in estimating the duration of many renovation activities, owners/managers/renovators are encouraged to make allowances for unexpected delays when providing descriptions of ending days under Section 745.84(b)(2) of the RRP Rule. Any estimated ending date with a rational basis is acceptable.

Question (23002-32355)

Must notifications for common area renovations always be provided to every unit in a multifamily housing complex?

Answer

Not necessarily. When renovations are to be performed in common areas of multi-family housing (i.e., those portions of the property generally accessible to all residents/users), the RRP Rule requires that each “affected unit” be notified in writing. See 745.84(b)(2). As a general matter, all units in the housing are “affected unit(s)” and therefore must be provided with notice of a common area renovation.

However, in a minority of cases, certain areas of a property that meet the definition of common area may in fact be used almost exclusively by an identifiable subset of tenants. For example, a common area inside one building of a multi-building apartment complex is likely to be used exclusively by tenants of only that building. See FQ 23002-19756. If a renovation is to be performed on such a common area, EPA believes it appropriate to provide notice only to the truly affected units: the subset of tenant users.

Firms may notify residents/users either by distributing written notice to each affected unit or by posting informational signs. Signs must be posted while the renovation is ongoing and they must describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

Question (23002-32356)

The RRP Rule requires delivery of the “Renovate Right” pamphlet to the owner and occupants of target housing. My firm was hired to perform a renovation in a pre-1978 apartment building. Is delivery of the pamphlet to the property manager sufficient for purposes of delivery to the owner of the building?

Answer

Yes. Property managers are acting in the capacity of agents for the building owners. For this reason, a property manager may receive, and acknowledge receipt of, the lead hazard pamphlet on behalf of the owner.

In situations where property managers or their employees are performing the renovations themselves, they are acting both as a “firm performing the renovation” and as agents for the owner. Documents in the possession of an agent are also deemed to be in the possession of the person or entity represented by the agent. Thus, no separate action is required to satisfy the requirement to deliver the “Renovate Right” pamphlet to the owner.

Question (23002-32357)

May I use the pamphlet “Protect Your Family From Lead in Your Home” to meet my obligations for pre-renovation education under the RRP Rule?

Answer

No. As of December 22, 2008, only the pamphlet “Renovate Right” may be used to comply with the pre-renovation education requirements of the RRP Rule. “Protect Your Family” is still available for use during real-estate sales and lease transactions and for general information.

Question (23002-32358)

If a renovation is to be performed on a private balcony of a single unit in a multi-unit target housing building, does that activity trigger the common area notification requirements?

Answer

A determination of whether the balcony renovation falls within a common area depends upon the scope of the renovation activity. A common area is a portion of a building that is generally accessible to all residents/users. Thus, if the work area established to contain dust and debris from the renovation activity is entirely within the confines of the private balcony, then the renovation is not generally accessible to residents/users, not within a common area, and therefore not subject to the common area notification requirements. However, if the work area is not entirely within the confines of the balcony (e.g., the renovation will result in the release of dust, paint chips, or other construction debris to the ground beneath the balcony), the firm must comply with the pre-renovation education requirements for common area renovations.

Question (23002-32359)

Can notices for multi-family housing common area renovations be delivered to the mailboxes of dwelling units, or only to the actual units themselves?

Answer

Should a firm decide to comply with the pre-renovation education requirements by hand delivering or mailing "Renovate Right" pamphlets and notices, they may do so either through delivery of the notices directly to tenant units or through delivery to tenant mailboxes. If mailbox delivery is used, both hand delivery and delivery via U.S. mail are acceptable; however, U.S. mail deliveries must be sent 7 days prior to the commencement of renovations and documented with a certificate of mailing.

As a practical matter, it may be easier or more efficient to provide notice of renovations in multi-family housing common areas by posting signs. Signs must be posted while the renovation is ongoing and describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

Question (23002-32360)

If a firm completely blocks access to a common area for the duration of a renovation, does the renovator still have to provide notifications to all tenants?

Answer

When tenant accessibility to a work site within a common area can be precluded for the duration of a renovation, EPA considers that work site to be temporarily excluded from the common area of the building for pre-renovation education purposes because it is not accessible to the residents and users of the building. To qualify for this exclusion, however, the work site must be in an area which is enclosed by a wall, fence, or other permanent or temporary physical barrier which truly prevents access by tenants and other building users. Rope, tape lines, pylons, and similar work area designation devices which can be easily surmounted or bypassed are not acceptable barriers for this purpose.

Question (23002-32361)

Does a renovator need to attempt personal delivery of the lead information pamphlet to a tenant more than one time before utilizing the "self-certification of pamphlet delivery" option?

Answer

Personal delivery of the lead information pamphlet is preferable, wherever possible, because EPA believes that tenants will be more likely to read the information if it is handed directly to them. It also affords tenants an opportunity to raise concerns and ask questions about the renovation. EPA recognizes, however, that personal delivery will not always be a viable option, especially when a renovation needs to be commenced on short notice and an adult occupant of the apartment is not available. Thus, the RRP Rule permits the person delivering the pamphlet to “self-certify” the delivery (40 C.F.R. 745.84(a)(2)(i)). Although it is recommended that delivery be attempted on more than one occasion, a single good faith delivery attempt is acceptable for purposes of the RRP Rule.

NOTE: the self certification provisions apply only to pamphlet deliveries to rental units; renovators cannot self-certify a pamphlet delivery to the owner of the dwelling unit. Pamphlet deliveries to unit owners must be made directly to the owner, an agent of the owner, or via mailing.

Question (23002-32362)

In a typical co-operative apartment building, occupants do not own the individual units; rather they “own” an undifferentiated share in the entire building and then “rent” back a specific unit from the co-operative corporation. Similarly, in a typical condominium building, owners of individual units jointly own the common areas of the building. For purposes of the pre-renovation education requirements, who are the “owners” in such situations?

Answer

EPA recognizes that co-operative apartments (“co-ops”) and condominiums (“condos”) can be structured in a variety of ways. For example, in the case of co-ops, a corporation (sometimes referred to as a “co-op association”) is often established and owns all the units and common areas comprising the co-op; in such circumstances, individual unit “shareholders” own shares in the corporation and also own occupancy rights or lease a unit from the corporation. In the case of many condos, individuals hold title to their individual units, and all condo unit owners jointly own the common areas (with a condo association established to represent the interests of all the unit owners).

For purposes of the pre-renovation education requirements, the following general principles will be applied:

(a) If title to a building is held by a corporation which leases back dwelling units to individual corporation shareholders, as in typical co-op apartment buildings, the corporation/association will generally be considered to be the “owner” of the entire building, and individual resident shareholders, or persons who rent from individual shareholders, will generally be considered to be tenants.

(b) In buildings where individuals hold title to specific dwelling units and jointly hold title to common areas of the building, as in typical condo buildings, the individual owners each will be considered to be the owners of his/her individual units, and the association (or its equivalent body composed of, or representing, the group of owners) will be considered the owner of the common areas of the building.

See the table below for more specific guidance on meeting the pre-renovation education requirements as they relate to various renovation scenarios in co-ops and condos.

COMPLIANCE WITH RRP PRE-RENOVATION EDUCATION REQUIREMENTS FOR COOPERATIVE APARTMENTS AND CONDOMINIUMS

RENOVATION LOCATION	RULE REQUIREMENT	COMPLIANCE FOR CO-OPS	COMPLIANCE FOR CONDOS
Renovations inside Individual Unit	1. Deliver Pamphlet to Owner	1. Deliver Pamphlet to Co-op Corp./Assoc.	1. Deliver Pamphlet to Condo Unit Owner

	§745.84(a)(1) 2. Deliver Pamphlet to Adult Occupant (Tenant) §745.84(a)(2)	or Property Manager 2. Deliver Pamphlet to Resident Co-op Share holder or Adult Occupant	(Or Agent of Owner) 2. If Condo is Leased, Deliver Pamphlet to Adult Occupant
Renovations in a Common Area	1. Deliver Pamphlet to Owner §745.84(b)(1) 2. Deliver Notice to Each Unit §745.84(b)(2)	1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager 2. Deliver Notice to Each Unit	1. Deliver Pamphlet to Condo Association or Property Manager 2. Deliver Notice to Each Unit

Notice of renovation activities in common areas can also be provided by posting signs. Signs must be posted while the renovation is ongoing and they must describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

Question (23002-32363)

I am planning on sending the pamphlet via the United States Postal Service's certificate of mailing delivery method to a tenant who occupies a unit scheduled to be renovated. Does the tenant's name need to be addressed on the mailing, or is it acceptable to address the envelope to Attn: Tenant/Occupant?

Answer

The tenant's name and address must be indicated on the mailing. The RRP Rule requires a renovator to provide the "Renovate Right" pamphlet to an adult in each unit. Therefore, the name and address of an adult occupant in each unit must be indicated on the mailing. The renovator must also retain a receipt of a certificate of mailing from the Post Office at least 7 days before any renovation activities and retain a record of notification for 3 years. See 40 CFR 745.84(a)(2) and 745.84(a)(2)(ii).

Question (23002-32364)

Under the Pre-Renovation Education Rule, I have the option of using a certificate of mailing to notify the owner or occupant. What is the difference between a certificate of mailing and certified mail?

Answer

A certificate of mailing is a receipt showing evidence of mailing, while certified mail provides proof of mailing and delivery of mail. When using the certificate of mailing option, no record is kept at the mailing office and a receipt is not obtained when mail is delivered to the addressee. In contrast, the certified mail option provides a receipt to the sender and a record of delivery is maintained by the Postal Service. For additional information on sending the pamphlet via mail see FQ 23002-32363. If an individual chooses to mail the pamphlet, a certificate of mailing is the minimum requirement (see 745.84(a)(1)(ii) and 745.84(a)(2)(ii)). An individual utilizing the mailing option also has the option to use the certified mail process instead of the certificate of mailing.

Question (23002-32365)

If a renovation is to be performed on a common area in a pre-1978 building that contains a mix of studio apartments (0-bedroom dwellings) and apartments with 1 or more bedrooms, what pre-renovation education requirements would apply?

Answer

With respect to apartments with 1 or more bedrooms, the renovator must provide written notification to an adult occupant of each dwelling no more than 60 days before any renovation activity commences. See 40 CFR 745.84(b)(2). As a reminder, notice of renovation activities in common areas may be provided to affected tenants by posting signs. Signs must be posted while the renovation is ongoing, describe the general nature and locations of the renovation and the anticipated completion date, and be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

The studio apartments, however, are exempt from the RRP Rule because they fall under the definition of a 0-bedroom dwelling: a residential dwelling in which the living area is not separated from the sleeping area. Therefore, the renovator is not required provide the studio apartment occupants with notice of the common area renovation.

As a practical matter, occupants of 0-bedroom dwelling are likely to receive notice anyways, given the preference for providing notification for common area renovations by posting signs.

Question (23002-19755)

My firm is replacing windows in a condominium. Is this type of exterior work considered work in a common area, and if so, must other owners and occupants be informed about the job?

Answer

Exterior renovations of multi-unit target housing are considered renovations of a common area. A common area is a portion of a building that is generally accessible to all residents or users of the building. Renovations in common areas of multi-unit target housing, such as condominiums, must be performed in accordance with the requirements of the RRP Rule.

Question (23002-33372)

When a unit is not occupied by its owner, 40 CFR 745.84(a)(2) states that the "Renovate Right" pamphlet must be provided to an adult occupant prior to beginning any covered renovation activities. What does EPA consider an "adult" for these purposes?

Answer

For purposes of receiving the pamphlet pursuant to the pre-renovation education requirements, EPA believes that "adult" means a person who has reached 18 years of age.

Work Practice Standards

Occupant Protection

Question (23002-23855)

When renovating the exterior of a high-rise building, does the requirement to close and seal doors and windows within 20 feet of the renovation include closing those openings two-plus floors above the floor where work is to be performed?

Answer

Not necessarily. When establishing containment for an exterior renovation on a multi-story building, you must close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation. In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other areas of the property. The conditions at your renovation site may be such that closing and sealing doors and windows on floors above the renovation is necessary to prevent these areas from being contaminated by dust and debris.

Question (23002-18093)

I have heard that if I use the warning signs EPA recommends in its model course I will be in violation of OSHA rules. Is this true?

Answer

The picture of a warning sign in the EPA model course is not intended to satisfy OSHA's requirements. However, a firm subject to both rules can satisfy both the OSHA requirements and the RRP Rule requirements by posting only the OSHA sign.

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. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed.

Question (23002-19755)

My firm is replacing windows in a condominium. Is this type of exterior work considered work in a common area, and if so, must other owners and occupants be informed about the job?

Answer

Exterior renovations of multi-unit target housing are considered renovations of a common area. A common area is a portion of a building that is generally accessible to all residents or users of the building. Renovations in common areas of multi-unit target housing, such as condominiums, must be performed in accordance with the requirements of the RRP Rule.

Containing the Work Area

Question (23002-32337)

What is the "work area?"

Answer

The “work area” is the area established by a certified renovator to contain the dust and debris generated from a renovation. In other words, the work area is defined by the containment measures established by the certified renovator. While a renovator has some discretion in setting up a sufficient amount of work area containment, the RRP Rule sets forth minimum requirements for both interior and exterior renovations.

For interior renovations, cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.

For exterior renovations, cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

Question (23002-32217)

In exterior containment if a large tree or shrub is within the work area can the plastic be placed around the base and would the plant, however large, need to be covered also need to be covered?

Answer

The RRP Rule does not specifically address containment of trees or shrubs, but if dust, debris, or residue remains in the tree or shrub at the conclusion of the job, the site will not pass visual inspection. The work practices for exterior projects are based on a performance standard -- the certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. In addition, at the end of the job, a certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed.

Question (23002-23220)

What is your recommendation if work has started and it begins to rain? What do we do with the water that is on the plastic in the containment area?

Answer

Before beginning the renovation, the firm must isolate the work area so that no dust or debris (including in the waste water) leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris, including water, leaves the work area while the renovation is being performed.

Some recommended options to prevent contaminated water from leaving the work site include:

Stop work and clean up the work site before rain begins. Proceed with interior work only. Cover the area with a tarp to deflect the rainwater away from the work site. Collect the water and dispose of it. Check with your local water treatment authority for local requirements for handling and disposing of waste water.

Question (23002-23297)

What mil plastic is considered impermeable?

Answer

The regulation does not specify a particular thickness of plastic sheeting considered to be impermeable, but rather includes a performance standard. The performance standard requires firms to isolate the work area, prevent dust and debris from exiting, and ensure plastic sheeting is not torn or displaced. Certain guidance materials recommend the use of 6 mil plastic sheeting, such as HUD's Guidelines for the Evaluation and Control of Lead-Based Paint in Hazards in Housing. However, for the purpose of Renovation, Repair, and Painting regulation, a contractor should choose one or more layers of plastic sheeting of a sufficient thickness to prevent puncture based on the circumstances of the particular project.

Question (23002-15162)

Do I need to cover a closet door with plastic?

Answer

Yes, if the door is inside the work area. When containing the work area during an interior renovation, the firm must close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material.

Question (23002-21413)

What are the requirements for covering doorways used to access the work area?

Answer

Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

Question (23002-18246)

If a door is outside the work area but used by workers to enter and exit the room, does the door need to be covered with plastic?

Answer

If the work area is smaller than the entire room, and the door is not within the work area, you do not need to cover the door with plastic. However, all personnel, tools, and other items, including the exterior of containers of waste, must be free of dust and debris when leaving the work area.

Question (23002-19009)

Is interior containment required as well as exterior containment for an exterior window removal?

Answer

Yes, if exterior window removal creates dust and debris on the interior of the building. 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. If removing windows from the exterior creates dust and debris on the interior as well as the exterior of the building, then the firm must follow the requirements in the RRP Rule for both interior and exterior containment. Window replacement typically disturbs paint on both the interior and exterior of a building.

Question (23002-23847)

When must scaffolding and vertical shrouding be used on an exterior renovation when other buildings are in close proximity to the work area?

Answer

The certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. The certified renovator must be on site while the containment is established and is responsible for ensuring that dust or debris does not spread beyond the work area. The extent to which scaffolding and vertical shrouding are needed to meet this standard will depend on the conditions at the work site.

When performing exterior renovations you must cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

Question (23002-32218)

The rules require exterior containment. At what point is the wind too strong to allow work to continue?

Answer

The work practices for exterior projects are based on a performance standard -- the certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. The certified renovator is responsible for determining when the wind is so strong that no form of containment is adequate to keep dust or debris from leaving the work site, and therefore work must stop until conditions improve such that containment can be maintained.

Question (23002-18508)

If I paint without disturbing the surface of the existing paint, can I use a tarp instead of 6 mil plastic?

Answer

Yes. Projects that do not disturb a painted surface are not subject to the RRP Rule.

Question (23002-19908)

Plastic can be a slip hazard in some jobs, such as handling granite counter tops. This creates a more immediate safety concern than protecting the floor from dust. Can't I just clean the floor at the end of the job?

Answer

No. For interior renovations, before beginning the renovation the renovation firm must cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

You must comply with this requirement unless it is impossible to do so, for example, during portions of a renovation project that involve removing flooring, sanding a hardwood floor, or removing or installing carpeting. However, the RRP Rule allows you to place another, less slick, disposable surface (such as paper) on top of the plastic sheeting as long as the plastic sheeting remains intact. Remove and dispose of both surfaces at the completion of the job.

Even when plastic is used to cover the floor, you must also clean the floor at the end of the job. Thoroughly vacuum using a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

Question (23002-16472)

How can I use plastic sheeting in exterior renovations without creating a safety hazard? Moisture on the plastic from precipitation can cause plastic sheeting to become slippery.

Answer

For exterior renovations, cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. However, the RRP Rule allows you to place another, less slick, disposable surface (such as paper) on top of the plastic sheeting as long as the plastic sheeting remains intact. Remove and dispose of both surfaces at the completion of the job.

Question (23002-15754)

During exterior power washing, instead of plastic, can landscaping fabric or a similar material be used to capture any paint chips or other debris, but permit the water to seep through?

Answer

No. Landscaping fabric is not an impermeable material.

Question (23002-18677)

In Chapter 4 of the EPA Certified Renovator Initial course, there is a PowerPoint slide showing plastic sheeting being taped to the floor at several corners, but not around the entire perimeter of the plastic. Must the plastic be "sealed" to the floor on all four edges by tape or just "secured or held" to the floor by tape at several locations?

Answer

It depends on the specifics of the renovation job. The RRP Rule requires the renovation firm to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls. It is up to the certified renovator to determine how to cover the floor in such a way that dust and debris are captured by the containment and the site can be cleaned at the end of the job.

Question (23002-15698)

Does the RRP rule require people working on a renovation to wear respirators, Tyvek(R) suits or other personal protective equipment (PPE)?

Answer

EPA would like to clarify the requirements for personal protective equipment. The Occupational Safety and Health Administration (OSHA) has requirements for personal protective equipment, EPA does not. For many years, EPA has recommended the use of personal protective equipment as a way to protect workers and to help ensure that leaded dust and debris does not leave renovation or abatement work sites. EPA recommends that renovators make use of the minimum respiratory protection recommended by the National Institute of Occupational Safety and Health (NIOSH) for environments where lead is present, but respiratory protection is not required by the EPA regulations. In addition, disposable clothing, if removed and disposed of before the workers leave the work site, can provide additional protection for workers' families by ensuring that no leaded dust or debris is carried home on worker clothing. However, EPA does not require this and allows renovators to use other methods to ensure that dust and debris does not leave the work area, including the HEPA vacuuming of clothing, tools, and other items before they leave the work area.

Question (23002-19757)

My firm is replacing windows on the second floor of a 90 year old home. The windows are built into a bay that projects out from a steeply pitched slate roof. When setting up exterior containment for this job, does the RRP Rule require me to install plastic on the roof under the windows?

Answer

No. The RRP Rule does not require you to install plastic sheeting on the roof. You must cover the ground with plastic sheeting or other disposable impermeable material in accordance with the containment requirements at 40 CFR 745.85(a)(2).

Question (23002-23858)

When replacing an unpainted roof, sometimes sections of paint-covered lumber under the roof need to be removed as well. If my firm removed damaged lumber from only certain sections of the roof, does only this area need to be contained while we fix the lumber?

Answer

Yes. The renovation firm is responsible for containing the work area so that no dust or debris resulting from the disturbance of a painted surface leaves the work area while the renovation is being performed. Containment is not required for portions of the renovation outside this area that do not disturb painted components. For exterior renovations, cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a

sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

Question (23002-20687)

To avoid harming the homeowner's grass and landscaping, may my firm fold up the plastic sheeting used for containment at night and re-use it the next day?

Answer

Yes, as long as your firm does so in a way that contains any dust and debris on the plastic. One way to accomplish this is to collect and remove the paint chips and debris from the plastic sheeting at the end of each day, mist the sheeting, and fold it dirty side inward.

Question (23002-23786)

When I replace windows, I set up interior vertical containment barriers that extend from floor to ceiling and completely enclose the interior area in which I physically work. If these barriers are set up at a distance less than six feet from the perimeter of the work surface, must I still extend the containment on the floor beyond the vertical barrier to meet the six foot requirement?

Answer

No, provided that the vertical containment system consists of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls (40 CFR § 745.85(a)(2)(i)(D)). This type of vertical containment acts as the functional equivalent of a wall for purposes of defining the work area. If the vertical containment meets these criteria the floor containment measures may stop at the edge of the vertical barrier.

Unlike permanent walls, however, vertical containment barriers are subject to all containment cleaning requirements including misting, inward folding, sealing, and proper disposal following the renovation. A firm must also thoroughly clean an additional two feet beyond the vertically-contained work area. Finally, during ingress or egress from the vertical enclosure, a firm must take precaution to ensure that dust and debris on personnel, tools, and other items do not escape the work area.

Question (23002-23675)

What, if any, additional requirements or liabilities exist if a homeowner independently removes the protective barriers and containment measures implemented by the firm during a renovation?

Answer

Before a firm begins a renovation, they are required to comply with all information distribution requirements under the Rule and to post signs that clearly define the work area and warn occupants and other persons not involved in renovation activities to remain outside of the work area. A firm that fails to comply with these requirements is liable under the Rule.

If, however, a firm does comply with these requirements and a homeowner or other person nevertheless removes the barriers, a firm must cease renovations until the necessary containment measures are re-established. A firm should also take additional steps to warn occupants or other persons of the dangers of entering the work area or removing barriers.

Question (23002-19758)

My firm removes and replaces windows from the exterior of a building or residence. To contain dust in the work area, we cover the entire interior surface of the window with impermeable plastic sheeting and affix the sheeting to the surrounding interior wall. This creates a pocket, accessible only from the exterior, from which the window is removed and replaced. All removal and replacement work is performed from the exterior, and we still apply the exterior containment measures as provided in the Rule. Does the interior containment method described meet the requirements under the Rule?

Answer

No. Although EPA encourages your firm to continue to use this method of supplemental containment, the minimum requirements of the RRP rule must still be met. Specifically, the floor surface must be covered with taped down plastic sheeting or other impermeable material 6 feet the perimeter of the work surface, or a distance sufficient to contain the dust, whichever is greater. Alternatively, your firm can install vertical containment measures as described more fully in FQ 23002-23786.

Question (23002-18500)

If I mist and HEPA vacuum the plastic sheeting used by my firm for interior containment, can I move and re-use plastic sheeting on the same day and job?

Answer

No. The Rule does not contemplate a permissible method of moving and re-using plastic sheeting used for interior containment.

Question (23002-32208)

My firm replaces windows. Various obstacles make it difficult to set up the ten-foot exterior ground containment in a way that would enable our renovators to perform the work and still effectively contain dust. In these cases we lay the ground containment, but also use vertical containment measures to completely enclose the area in which we work. Is this a permissible method of exterior containment? If the vertical containment is set up at a distance of less than ten feet from the work surface, must we still extend the ground containment beyond the vertical barrier to meet the ten-foot requirement?

Answer:

The work practices for exterior projects are based on a performance standard -- the work area must be contained so that dust or debris does not leave the work area while the renovation is being performed. EPA recognizes that proper use of exterior vertical containment measures may be a more effective method for containing the work area than use of the traditional ground containment alone, as outlined in the regulations.

With proper techniques, a firm may meet the performance standard by using vertical containment in conjunction with ground containment. Vertical containment means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area (40 CFR § 745.83). Properly constructed vertical containment, for example, might consist of a rigid box-like framework wrapped in impermeable plastic sheeting and anchored to the ground and home. When placed on top of ground containment, such containment should effectively limit

the travel of dust and debris to the interior of the enclosure. Whatever construction techniques are used, the containment must completely isolate the work area and prevent any dust and debris from leaving the work area to satisfy the performance standard.

If exterior vertical containment is erected at a distance of less than ten feet from the work surface, the ground containment need not necessarily extend the full ten feet. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

Prohibited and Restricted Practices

Question (23002-17026)

How do RRP requirements apply to pressure washing? What containment and other preparation are required?

Answer

Pressure washing is not a prohibited practice under the RRP Rule. Pressure washing is subject to the same containment requirements as other permissible work practices. Before beginning the renovation, the firm must isolate the work area so that no dust or debris (including in the waste water) leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

In addition, it is important to properly dispose of waste water used during pressure washing. Check with your local water treatment authority for more information.

Question (23002-19748)

My firm drills a series of 1/2 inch diameter holes in sheet rock to dry it out where rooms have been flooded. Is drilling these holes a prohibited practice?

Answer

No. The requirement for HEPA exhaust control does not apply to the use of all power tools. Specifically, HEPA exhaust control is not required when using a power drill to drill holes in sheetrock. When using a power drill with a drill bit to cut through sheetrock, the speed associated with the contact between the bit and the paint is not of the same magnitude as the contact speed generated by the machines identified in the regulation. The RRP Rule prohibits the use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation. These machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system. .

Waste from Renovations

Question (23002-24833)

Why are gloves, which are exposed to large amounts of lead dust, not required to be disposed of under the RRP Rule?

Answer

The RRP Rule requires the renovation firm to use precautions to ensure that all personnel, tools, and other items are free of dust and debris before leaving the work area. Workers with contaminated clothing can take that contamination home to their own children, and taking contaminated equipment to another jobsite could potentially create a lead hazard at a new site. There are several ways of ensuring that gloves and other clothing are free of dust and debris before leaving the work area. For example, tacky mats may be put down immediately adjacent to the plastic sheeting covering the work area floor to remove dust and debris from the bottom of the workers' shoes as they leave the work area. If workers wear shoe covers, they may remove them as they leave the work area. Clothing and materials may be wet-wiped and/or HEPA-vacuumed before they are removed from the work area. While the rule does not specifically address gloves, if they are contaminated with lead dust or debris that cannot be removed, EPA recommends that they not be removed from the work site during the job and that they be disposed of as part of final cleanup.

Question (23002-20763)

Under the RRP Rule, what type of container is adequate for on-site storage of debris? Must the container be covered and locked? Must it be placed behind a locked barrier?

Answer

At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. Using a covered container is one way to prevent release of dust and debris. Locking the container and placing it behind a locked barrier are good examples of ways to prevent access to the dust and debris.

Question (23002-14730)

Can non-certified workers transport debris off site under the RRP Rule if they have had documented on-the-job training in this activity by the certified renovator?

Answer

Yes. The RRP Rule requires the certified renovator to regularly direct the work being performed by other individuals to ensure that the work practices are being followed, including ensuring that dust or debris does not spread beyond the work site. The certified renovator is responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks, including transporting waste off site.

Question (23002-17804)

How should I dispose of contaminated water used in two-bucket mopping?

Answer

EPA recommends contacting your local water treatment authority and asking about local requirements for handling and disposing of waste water.

Question (23002-33373)

How should lead-containing wastes from RRP renovations be handled and disposed?

Answer

While at the work site, wastes must be collected at the conclusion of each work day and at the conclusion of the renovation and stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

Similarly, while transporting the waste out of the work site for disposal or storage, waste must be contained to prevent releases of dust and debris.

Finally, contractors may dispose of lead-containing wastes from residential renovations in a municipal solid waste landfill (MSWLF) or a municipal solid waste combustor. Dumping and open burning of residential lead-based paint waste is not allowed.

Note: As a general matter, all debris, paint chips, dust, and sludges that exceed the toxicity characteristic regulatory limit of 5 mg/L lead in the waste leachate are considered “hazardous” and subject to more stringent RCRA hazardous waste management and disposal requirements. However, pursuant to 40 CFR 261.4(b)(1), household wastes (i.e., those derived from households) are excluded from the universe of RCRA hazardous wastes. In 2000, EPA issued a Memorandum clarifying that the household hazardous waste exclusion applies to waste generated by either contractors or residents performing lead-based paint activities (abatement) or renovations in residences. Wastes from non-residential renovations may still be subject to RCRA hazardous waste requirements.

Cleaning the Work Area

Question (23002-20634)

The RRP rule requires HEPA vacuums to be used for cleaning up the dust created by renovations. What should I look for when purchasing a HEPA vacuum?

Answer

According to the definition in 40 CFR 745.83:

HEPA vacuum means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions.

Therefore, renovation firms should look for a vacuum cleaner that was designed to be operated with a HEPA filter, rather than a shop vacuum that can be fitted with a HEPA filter in place of the original basic filter. A vacuum retrofitted with a HEPA filter is not necessarily properly sealed or designed so that all of the intake air goes through the HEPA filter. EPA also recommends that renovation firms ask the manufacturer or retailer whether the machine has been tested to ensure that it achieves the high efficiency required of a HEPA filter (capturing 99.97% of 0.3 micron particles).

Question (23002-20761)

Under the RRP Rule, do paint chips and debris need to be removed from protective sheeting prior to misting, removing, folding and sealing the sheeting even if such chips and debris can be effectively contained by the sheeting or the sealed container the sheeting is contained in for disposal?

Answer

Yes. After the renovation has been completed, the firm must clean the work area until no dust, debris, or residue remains. The first cleaning step required by the RRP rule is to collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag. The purpose of this step is to prevent accidental spreading of lead-contaminated paint chips and dust off of the protective sheeting. Only when this step is completed may you remove the protective sheeting, following the directions specified in the rule.

Question (23002-18385)

If a renovator uses the required practices to remove containment and clean a work area, then performs successful cleaning verification, can the balance of the project then be done using uncertified workers and without reference to the work practices required by the RRP Rule?

Answer

Yes, as long as the balance of the project can be completed without disturbing a painted surface.

Question (23002-23884)

When waste from renovations has been removed from the work area and placed in on-site storage, may the waste be stored in a covered waste container or must it all be bagged for disposal?

Answer

Properly implemented, either option can meet the requirements of the RRP Rule. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. Storing the waste in a covered waste container is one way to meet this requirement if the waste container prevents release of dust and debris. Containing the waste in closed trash bags can also prevent release of dust and debris. Locking the dumpster and placing it behind a locked barrier are good examples of ways to prevent access to the dust and debris.

Question (23002-13864)

Are components removed from the home to be cleaned up and reused subject to the waste handling requirements in the rule?

Answer

While components to be reused rather than disposed of are not considered waste for the purposes of the RRP Rule, it is likely that, even if they do not contain lead-based paint, they are contaminated with dust or debris from the project. The renovation firm must use precautions to ensure that these components are free from dust and debris before they are removed from the work area. EPA also recommends that these materials be stored on-site or transported off-site in a way that prevents access to dust and debris or release of dust and debris.

Question (23002-24718)

Who is responsible for controlling dust and debris from renovation waste once the waste container or truck used to transport the waste leaves the renovation site?

Answer

When a renovation firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris. The RRP Rule does not address the responsibilities of other entities. EPA recommends consulting with state and local waste disposal authorities to learn about any additional requirements.

Question (23002-15872)

For purposes of cleaning the work area following a renovation, is the interior floor of a garage considered interior or exterior space?

Answer

In general, the interior floor of a garage is considered an interior space for purposes of post-renovation cleanup. EPA recognizes the fact that it may occasionally be impossible for firms to meet all of the cleaning and verification requirements under the Rule for garage floors such as those that are composed of dirt or gravel. In such a case, EPA recommends that a firm document and keep records of the specific circumstances surrounding the impossibility. A firm must also make their best effort to collect and remove all paint chips, dust, debris and residue. Furthermore, a firm must still comply with all feasible work practice standards and take precautions to ensure that the work area is properly contained.

Question (23002-31780)

My firm has signed a contract to replace the windows on a pre-1978 home. We have tested for the presence of lead based paint and found the results to be positive. However, the homeowner has already scraped and repainted their house but did not follow lead safe work practices. The result of their activity is paint chips scattered throughout the landscaping. How best should I proceed?

Answer

A firm working on a property that is already contaminated with paint chips, dust, debris and residue must proceed by containing the work area for the renovation, and complying with all cleaning requirements under the Rule for that work area. Paint chips, dust, debris and residue that fall within the work area must be eliminated. If paint chips, dust and debris exist beyond the work area, but were not a product of the firm's window replacement activities, EPA recommends that the firm document and keep record of the conditions.

Cleaning Verification

Question (23002-20755)

Typically, interior clearance is achieved by means of dust wipe sampling by a certified inspector or risk assessor using single surface dust wipes. This is required on all HUD jobs. EPA rules at 40 CFR 745.227(e)(8)(ii) allow for composite sampling in clearance testing. Under the RRP Rule, is composite sampling acceptable for clearance in lieu of cleaning verification?

Answer

Yes. Under the RRP Rule, cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another Federal, State, Territorial, Tribal, or local law or regulation requires:

- The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.

- The dust clearance samples are required to be collected by a certified inspector, risk assessor, or dust sampling technician.
- The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in 40 CFR 745.227(e)(8) or any applicable State, Territorial, Tribal, or local standard.

Clearance must be performed following the procedures in 40 CFR 745.227(e)(8), which allow the use of composite sampling. Not all laboratories will analyze composite samples, so check with your laboratory before collecting them.

Recordkeeping and Reporting Requirements

Question (23002-18219)

If a certified renovator is an employee of the certified firm, can the firm maintain all required records (those required of the firm and of the certified renovator); understanding that the certified renovator must also keep a copy of his certification as well as employee training records/documentation on the jobsite?

Answer

The renovation firm is the entity responsible for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation. The certified renovator is responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards.

Certified renovators must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate. Certified renovators are also responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks. The renovation firm must keep records showing what training was provided to workers, but these records need not be available at the work site.

Question (23002-32219)

What records must a subcontractor keep?

Answer

If the certified renovator assigned to the project is assigned by the subcontractor, the certified renovator is responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards, including training provided to non-certified workers. All renovation firms involved in a project share the responsibility for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation. That does not mean that all of the firms involved in a project must retain a copy of the records. The records may be held by only one of the firms. However, firms that choose not to hold copies of the records, but rather to rely on other contractors involved in the renovation (e.g., subcontractors) to do that, must be able to access the records and make them available in a timely manner when requested by the EPA.

Question (23002-32220)

Can the required records and documentation be stored electronically rather than as paper copies?

Answer

Yes. The renovation firm is responsible for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation. The RRP Rule does not specify the format in which records must be kept.

Question (23002-32221)

Can the certified renovator comply with the rules by keeping records regarding his certification and employee training electronically, provided he can display them on a hand held device or laptop on the job site?

Answer

Yes. The RRP Rule does not specify the format in which these documents must be kept, but they must be available at the work site. Documents are not available if they cannot be viewed. Certified renovators must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

Certified renovators are also responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks. The renovation firm must keep records showing what training was provided to workers, but these records need not be available at the work site.

Question (23002-18103)

I hear new recordkeeping requirements will take effect soon. What are they and when must my firm begin to comply with them?

Answer

Beginning July 6, 2010, when the final invoice for the renovation is delivered, or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information demonstrating compliance with the training and work practice requirements of the RRP Rule to the owner of the building being renovated and, if different, to the occupants of the renovated housing or the operator of the child-occupied facility. For renovations in common areas of target housing, the renovation firm must provide the occupants of the affected housing units with instructions on how to review or obtain this information from the renovation firm at no charge to the occupant. These instructions must be included in the pre-renovation education notice provided to each affected unit or on the signs posted in the common areas. Similar requirements apply for renovations in child-occupied facilities. The renovation firm is required to provide interested parents or guardians of children using the child-occupied facility instructions on how to review or obtain a copy of these records at no cost to the parents or guardians. This could be accomplished by mailing or hand delivering these instructions, or by including them on the signs posted as part of pre-renovation education.

Question (23002-18287)

If a general contractor and one or more subcontractors are involved in a single renovation project, which persons or entities are responsible for preparing, retaining and making available the necessary records?

Answer

The certified renovator, whether assigned by a general contractor or subcontractor, is responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards, including training provided to non-certified workers.

All renovation firms involved in a project share the responsibility for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation. That does not mean that all of the firms involved in a project must retain a copy of the records. The records may be held by only one of the firms. However, firms that choose not to hold copies of the records, but rather to rely on other contractors involved in the renovation (e.g., subcontractors) to do that, must be able to access the records and make them available in a timely manner when requested by the EPA.

Firm Certification

Question (23002-19747)

My firm acts as a general contractor – we subcontract the entire renovation job to other companies rather than using our own employees. Does my firm need to be a certified firm under the RRP Rule?

Answer

Yes. Beginning April 22, 2010, no firm may perform, offer, or claim to perform renovations covered by the RRP Rule without certification from EPA. A general contractor that subcontracts the entire renovation job to other firms must be certified as a firm for two reasons. First, the contractual agreement between the general contractor and the subcontractor is based on the general contractor's offer to renovate the property of a third party for compensation. The RRP Rule requires a contractor that makes such an offer to be certified as a firm. Second, once the offer is accepted, the general contractor is obligated to perform a renovation in accordance with the terms of the contract, whether written or oral. Even if the general contractor chooses to fulfill its obligation to perform the renovation by hiring subcontractors, the general contractor is performing a renovation for purposes of the RRP rule and must comply with all the requirements of the rule that apply to firms performing renovations.

Question (23002-14295)

My firm acts as a general contractor – we subcontract the entire renovation job to other companies rather than using our own employees. Does my firm need to have a certified renovator at the job site?

Answer

Not necessarily. All firms performing renovations, including general contractors, must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator. A firm acting as a general contractor may satisfy this requirement by hiring another certified firm that also takes responsibility for ensuring that all individuals performing the renovation activities are either certified renovators or have been trained by a certified renovator. With respect to assigning a certified renovator who is responsible for any OJT and regularly directing other workers, a firm acting as a general contractor may satisfy this requirement by hiring another certified firm that in turn assigns a certified renovator to the job. However, this does not discharge the general contractor's liability to ensure compliance with the RRP Rule.

Question (23002-18512)

If I rent out apartments built before 1978, do I need to get firm and renovator certification if I do my own work on it? What if I hire a renovation firm to do the work?

Answer

With respect to landlords, EPA believes that there are two circumstances where work being done in pre-1978 apartment is for compensation such that the landlord must be a certified firm and use (or be) a certified renovator. First, if the landlord does the renovation him or herself, then the landlord must have firm and renovator certification. Second if an employee of the landlord does the renovation work, then the landlord must have firm certification and the employee must be a certified renovator. However, if the landlord hires a renovation firm to perform the renovation, the landlord does not need firm or renovator certification, but the firm hired by the landlord must be certified and must perform the renovation using a certified renovator that directs and provides on-the-job training to any workers that are not certified renovators.

Question (23002-13650)

A property management company performs most of the clerical functions of the business, and hires plumbers, electricians, carpenters, etc., for its renovation needs. Does the property management company need firm certification?

Answer

A property management company acts as an agent for the landlord and has the same responsibilities as the landlord under the RRP Rule. Therefore, if the property management company uses its own employees to do the work, the property management company must be a certified firm and one of the employees must be a certified renovator. If the property management company hires a renovation firm to perform the renovation, the property management company does not need firm or renovator certification, but the firm the property management company hires must be certified and must perform the renovation using a certified renovator that directs and provides on-the-job training to any workers that are not certified renovators.

Question (23002-17957)

How will the RRP Rule affect the work of non-profit or not-for-profit groups? Will the rule apply, for example, to church groups who, as part of their missionary work, are making improvements for low-income residents?

Answer

The RRP Rule applies to renovations performed for compensation. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space. Donations, including donations of materials or of the time of volunteers, are not compensation. If the organization is compensating anyone for the work (for example, a paid supervisor), then the renovation is covered by the RRP Rule. This is the case even though the organization has non-profit or not-for-profit status.

The organization may also need to become certified as a firm. Beginning April 22, 2010, an organization that performs, offers, or claims to perform renovations covered by the RRP Rule must be certified by EPA. A non-profit organization that offers to renovate the property of a third party for compensation, or that performs the renovation, must be certified as a firm. The organization must comply with all the requirements of the rule that apply to firms performing renovations. This includes having a certified renovator direct the work and provide on-the-job training to all uncertified workers, including volunteers.

Question (23002-15340)

DOE provides weatherization grants to states, which in turn provide grants to non-profit sub-grantees. These sub-grantees fall into one of three categories:

1. The sub-grantee uses its own employees to perform all the weatherization services in the home,
2. The sub-grantee uses a combination of its own employees and contractors to perform weatherization services, or
3. The sub-grantee has no employees that perform weatherization services; instead, every service is performed by a hired contractor.

Must these sub-grantees be RRP-certified firms?

Answer

Beginning April 22, 2010, no firm may perform, offer, or claim to perform renovations covered by the RRP Rule without certification from EPA. Sub-grantees that use their own employees to perform any or all of the weatherization services in the home, such as the sub-grantees in the first two categories, must be RRP certified firms.

As to the sub-grantee in the third category, the need for certification depends on whether the sub-grantee offers, through the grant proposal, to renovate the property of a specific homeowner or other third-party. In this case, the sub-grantee is an offeror and grant money is “compensation” for RRP purposes. Once the offer is accepted (i.e., the grant is issued) a contract is formed under which the sub-grantee is obligated to perform the renovation. Even if the sub-grantee chooses to fulfill its obligation to perform the renovation by contracting out the work, the sub-grantee is “offering to perform a renovation” for purposes of the RRP rule. Accordingly, the sub-grantee must be a certified firm and comply with all other applicable RRP requirements.

Conversely, if the sub-grantee does not “perform, offer, or claim to perform” a renovation - through a grant proposal or otherwise - the sub-grantee need not be certified. For example, a grant proposal would not constitute an “offer” if the issuance of the grant would not obligate the sub-grantee to renovate the property of a specific third-party. If the grant proposal is not a legally binding offer, the sub-grantee becomes a mere purchaser of renovation services when it uses the grant money to hire a renovation firm. In such a case, only the renovation firm – the offeror - must be certified

Question (23002-21691)

What do you need to do to become a certified firm?

Answer

Firm certification is easy and straightforward – you need only submit a short application, and submit it with fee to EPA. The form, and associated material, is available on EPA’s website at <http://www2.epa.gov/lead/epa-lead-safe-certification-program>. You should complete and submit this form without delay. Certified firms will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA’s new “Lead-Safe Certified Firm” logo.

Remember, to fully comply with this regulation, certain of your key employees may need to obtain individual certification (by taking a one-day certification course) in addition to your firm certification. Visit <http://www2.epa.gov/lead/epa-lead-safe-certification-program> to learn how to become a certified renovator.

Question (23002-18528)

If my firm already has abatement certification, is separate RRP certification necessary?

Answer

RRP firm certification is not required to perform lead abatements. However, if your firm performs, offers, or claims to perform renovations as well as abatements, after April 22, 2010 it must be a certified renovation firm.

Question (23002-18123)

I own a sole proprietorship, and I plan to get trained and certified as a certified renovator. Will that be sufficient since I have no employees?

Answer

No. Beginning April 22, 2010, all firms performing renovations covered by the RRP rule must be certified. "Firm" means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal or local government agency; or a nonprofit organization.

Question (23002-20758)

Can a certified renovator supervise workers of a different company, or must each firm involved in a project furnish a certified renovator?

Answer

All firms performing renovations must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator. The RRP Rule does not prohibit firms from reaching agreement on which will supply the certified renovator who is responsible for ensuring compliance with the RRP Rule and who directs and trains non-certified workers. All firms remain liable for ensuring compliance with the RRP Rule.

Question (23002-14050)

Are state and local government employees who often do renovation work required to be certified?

Answer

If the state or local government uses its own employees to do the work, the state or local government must be a certified firm and at least one of the employees assigned to each job must be a certified renovator. If the state or local government hires a renovation firm to perform the renovation, the state or local government does not need firm or renovator certification, but the firm the state or local government hires must be certified and must perform the renovation using a certified renovator that directs and provides on-the-job training to any workers that are not certified renovators.

Question (23002-18288)

If a general contractor hires a subcontractor to work at a renovation site, does the subcontractor need to be a certified firm if the subcontractor does not disturb any paint?

Answer

Firms performing tasks that disturb no painted surfaces whatsoever do not need to be certified. However, since conditions at the job site may be difficult to predict, EPA strongly recommends that all firms involved in the renovation be certified and use properly trained and certified personnel. For example, a firm hired to install an HVAC system after demolition of painted surfaces has taken place may find that to complete the job painted surfaces need to be disturbed. The HVAC firm may not engage in activities that disturb painted surfaces if it is not certified.

As every renovation job is different, it is up to the firm acting as the general contractor to determine what activities are within the scope of the renovation and to ensure that other firms are properly trained and certified for the tasks they will be performing. All firms, including the firm acting as the general contractor, are responsible for making sure the renovation is performed in accordance with the work practice standards, including keeping containment intact and making sure lead dust and debris do not leave the worksite. General contractors should keep in mind that if a firm hires a subcontractor that fails to follow the work practice standards or otherwise violates the RRP rule, the firm that hired the subcontractor is also responsible for the violation.

Question (23002-21581)

What changes in a renovation firm's status require an amendment of certification and how much will it cost?

Answer

In accordance with § 745.89(c), any change to the information reported to EPA in a firm's most recent certification application must be reported in an amended certification application. There is no fee associated with the submission of an amended certification.

Question (23002-18350)

If a property owner and a property management company have entered into a consent agreement related to Section 1018 (lead hazard disclosure) that does not admit an actual violation, is the property management company required to acknowledge a lead-based paint violation when completing the application for firm certification?

Answer

No.

Question (23002-18573)

If the demolition, cleanup, and cleaning verification portion of a renovation project is performed under the direction of a certified renovator using trained workers, can uncertified workers complete the job if further disturbances of painted surfaces will not occur? For example, a certified firm establishes containment and removes wall and ceiling board to the rough framing members. Cleaning and verification take place and containment is removed and properly disposed of. At that point, can non-certified firms perform electrical, plumbing, HVAC, or drywall work?

Answer

Yes. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by the RRP Rule if they are conducted after post-renovation cleaning verification has been performed.

Question (23002-15697)

Does the RRP Rule require a certified state lead inspector or risk assessor, who does not do renovation work, to become a certified renovation firm in order to take dust wipe samples?

Answer

No. A certified inspector or risk assessor may make determinations regarding the presence of lead-based paint at a renovation site without becoming certified as a renovation firm.

Question (23002-19197)

Is the fee for firm certification waived for self-employed individuals or landlords?

Answer

No. Congress requires EPA to impose a fee on certified contractors that is sufficient to recover the costs of administering and enforcing the RRP Rule. All applicants for firm certification must submit the \$300 fee as part of their application. A firm's certification is effective for 5 years.

Question (23002-14558)

Can contractors submit their application to EPA before they complete the required training, or must the application be submitted after the training is complete? Is there a proof of training required by the EPA in order for the contractor's application to be approved?

Answer

To become a certified renovator, you must successfully complete a renovation training course taught by an accredited training provider. The course completion certificate serves as your proof of certification – no application to EPA is necessary. If you are a sole proprietorship or individual doing business as a renovation firm, you must also become a certified firm by submitting a completed “Application for Firms” with the correct amount of fees. As part of your application, you will be required to certify that your firm will comply with the requirements of the RRP Rule, including ensuring that all individuals performing renovations activities on behalf of the firm are either certified renovators or have been trained by a certified renovator.

No proof of training is required at the time you submit your application.

Question (23002-19659)

Must maintenance workers at kindergartens and elementary schools become certified renovators if they perform renovations covered by the RRP Rule in the portions of the school that are child-occupied facilities? Are the schools or school systems then required to become certified renovation firms?

Answer

On or after April 22, 2010, all renovations covered by the RRP Rule must be directed by certified renovators and must be performed by certified renovators or individuals trained by a certified renovator. The RRP rule requires any firm, including a local government agency, that performs, offers, or claims to perform renovations to be certified by EPA.

Question (23002-18285)

If a firm does business in several states, must they become certified in all states in which they manage a target property or is this requirement satisfied by certifying the firm in the state in which they are headquartered?

Answer

The RRP Rule applies in states and tribal areas that are not operating EPA-authorized programs. A firm with Federal certification under the RRP Rule may perform, offer, or claim to perform renovations in any of these states. In states and tribal areas with EPA-authorized programs, check with the state or tribal agency administering the program to learn about the certification requirements in that state or tribal area. EPA encourages authorized state and tribal programs to accept certifications issued under the Federal program and under other state and tribal programs, but this is not required.

Question (23002-19776)

My non-profit organization receives grants to arrange for renovations in older housing, such as weatherization projects or general modernization. Typically, these grants come with eligibility conditions for properties and/or property owners and tenants, but specific properties or projects are not identified. My organization is responsible for locating eligible properties and recipients and hiring firms to perform the eligible renovations. Must my non-profit organization become an RRP-certified firm?

Answer

No, as long as your organization does not perform covered renovations using its own employees or offers to renovate the properties of specifically-identified third parties in exchange for a grant, your organization does not need to become an RRP-certified firm. You should make sure that any firms you hire are certified renovation firms.

Question (23002-19775)

My non-profit organization applies for and receives grants to renovate older homes. We do not perform the renovations ourselves, we hire renovation contractors to perform them on our behalf. We identify the properties to be renovated and the specific projects in the grant application. If we are successful in obtaining the grant, the funding would obligate us to arrange for the renovation of the specific properties named in the grant application. Must my non-profit organization become an RRP-certified firm?

Answer

Yes, even though your organization's employees do not actually perform the renovation activities, your organization must be an RRP-certified renovation firm because your organization, through the grant process, is offering to perform renovations for compensation, *i.e.*, the grant.

Question (23002-17979)

I am a facilities manager for a church with daycare and preschool programs. I recently became a certified renovator. If my staff and I do our own painting and remodeling work, do we need to be a certified firm?

Answer

Yes, if you perform, offer, or claim to perform renovations in a portion of the building that is a child-occupied facility. The RRP Rule defines a child-occupied facility as a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

Question (23002-18001)

I am a renovator and I want to comply with EPA's Lead Renovation, Repair and Painting Rule. What do I need to do?

Answer

EPA's Lead Renovation, Repair and Painting (RRP) rule sets up new requirements for **firms** and **individuals** performing renovations in pre-1978 housing and child-occupied facilities, such as schools and daycares.

- **Firms** must be EPA certified. To become EPA certified, renovation contractors must submit an application and fee payment to EPA (<http://www2.epa.gov/lead/epa-lead-safe-certification-program>). Once certified, the firm will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA's "Lead-Safe Certified Firm" logo.
- Renovations covered by the rule must be performed or directed by a Certified Renovator. **Individuals** can become a lead-safe certified renovator quite easily. It requires successful completion of a one-day training course in lead-safe work practices. The training courses are offered by EPA-approved private training providers; there is no additional fee to EPA. You can find a training provider in your area by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm.

Over 500 training firms have been accredited to provide the specialized, one-day lead-safe work practices training. Many offer trainings in multiple states. Classes teach the specific work practices that contractors need to protect themselves and their clients from lead contamination, and to allow them and their firm to work legally. Certification is immediate upon successful completion of the training class.

Question (23002-18140)

I took a class to be a Certified Renovator and my firm applied for firm certification before April 22, 2010, but my firm does not have its certificate yet. What do we do?

Answer

In these circumstances, EPA does not intend to take enforcement actions against firms who applied for firm certification before April 22 and have not received their certification. The certification requirement is important to making sure that firms are protecting children and other residents while renovations are ongoing, but EPA does not wish to disrupt ongoing renovations for those firms that submitted applications on time. We expect that all of the applications filed before April 22 will be reviewed by June, and that the applications submitted for the first 60 days after April 22 will be reviewed soon thereafter. Thus, it will only be a short window of time when firms that applied are waiting to hear back from EPA.

Question (23002-17543)

How long will it take EPA to process my application to be a lead-safe certified firm?

Answer

EPA is required to process your application within 90 days of receipt. In most instances, properly-completed firm applications are processed in about one month.

Question (23002-21890)

What happens if my firm is in the middle of a renovation job on April 22, 2010? My firm is not certified and none of my employees have taken the lead-safe certified renovator training. What should I do?

Answer

You should submit your application for renovation firm certification immediately. You should also arrange for lead-safe certified renovator training for at least one of your employees as soon as possible, and you should require at least one of your employees to review EPA's online training materials at <http://epa.gov/lead/training.html>. In addition, you must follow the lead-safe work practices required by the rule. Information on these work practices can be found at 40 CFR 745.85 or obtained from the National Lead Information Center at 1-800-424-LEAD (5323). For the first 60 days after April 22, 2010, EPA's general approach for work initiated before that date will be, upon learning that a firm or individual

conducting a renovation is not certified or trained, to issue a notice without monetary penalties to that firm or individual. This notice will state that the firm or individual needs to come into compliance as quickly as possible. To correct the noncompliance, the individual or firm will need to provide a copy of an accredited course completion certificate or firm certification to EPA within a reasonable time.

Question (23002-18000)

I am a renovation firm and I have contracted for a renovation in a pre-1978 home to begin on or after April 22, 2010. None of my people have taken the lead-safe certified renovator training yet. I found out the Certified Renovator classes near me are all full until after April 22, 2010. What should I do?

Answer

You should hold off on starting work in any pre-1978 home or child-occupied facility until you have taken the certified renovator training course from an EPA-accredited training provider. In addition, you should make sure that your firm is EPA certified. You can find out more information at <http://www2.epa.gov/lead/epa-lead-safe-certification-program>. You can find an accredited training provider who is based near you by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm. More than 340 EPA-accredited training providers have indicated to EPA that they are willing to travel to offer training classes. You can find a list of training providers, including those who are willing to travel, by using the same search tool.

Question (23002-18225)

If a company has several legal entities, does each entity have to become a certified firm?

Answer

Yes, if the corporate structure is such that the parent company is not liable for actions of the separate legal entities.

Question (23002-19722)

My company has two stores in different states. Must each store be a separate certified firm?

Answer

It depends on the company's structure. If each store is a separate legal entity, then each store must be a certified firm. If the parent company retains liability for the actions of each store, the parent company's firm certification covers both stores.

Question (23002-18047)

I am the owner of my renovation firm, but I am not a certified renovator. May I be the "attesting individual" named on the RRP firm certification application?

Answer

Yes. The attesting individual need not be a certified renovator.

Question (23002-31784)

My firm performs renovations covered by the RRP rule, but solely in the capacity of a subcontractor. If the general contractor is a certified firm, does my firm also have to be certified, or can we just provide the certified renovator?

Answer

All firms performing, offering, or claiming to perform renovations covered by the RRP rule must be certified. In this case, both the general contractor and subcontractor must become certified firms.

Question (23002-33318)

What is the difference between Abatement Certification and Renovation (RRP) Certification?

Answer

Abatement certification, also known as Lead-Based Paint Activities certification, is a specialized type of certification for firms who specifically work with lead-based paint such as lead abatement firms, lead risk assessor firms, and lead inspection firms. Abatement is the intentional and permanent elimination of lead-based paint and lead-based paint hazards.

Renovation (RRP) certification is appropriate for firms who disturb paint in pre-1978 residences and child-occupied facilities simply as a consequence of doing other work. It covers a broad range of firms including renovators, carpenters, painters, electricians, plumbers, handymen, and more. These firms do NOT need abatement certification.

Lead-Safe Certified Firm Logo

Question (23002-16813)

How do I get my Lead-Safe Certified Firm Logo?

Answer

EPA will send instructions for downloading your Logo to the e-mail address you list on your firm certification application. The instructions will include a password. To download your Logo, visit www.RRPFirmlogos.org. Enter your User ID, which is your application ID number found on your certification letter. Enter the password included in the instructions. You will then find a download button and instructions on how to save your file.

Question (23002-18061)

I don't have an e-mail account. Can I have a CD mailed to me?

Answer

No. If you don't have an e-mail account, please call 1-800-424-LEAD with your firm certification number and they will assist you with obtaining your password. You can use your password, with the application ID number found on your firm certification letter, to download your Logo from www.RRPFirmlogos.org.

Question (23002-16027)

How and where can I use the Lead-Safe Certified Firm Logo?

Answer

The Lead-Safe Certified Firm Logo must be reproduced so that all of its components are legible, including your firm's certification number. The Logo must not be altered or distorted in any way.

You MAY --

- Use the Logo to identify your firm as an RRP-certified firm. Firms that are not RRP-certified may not use the Logo.
- Use the Logo in brochures, advertisements, Web sites, proposals, bills, signs, uniforms, vehicles and other materials promoting or identifying your firm.
- Use the Logo on documents or other materials in black and white or color (2-color or 4-color versions are available).

You MAY NOT --

- Use the Logo in any manner that would imply EPA endorsement of a company, its products or services.
- Reduce the Logo to a size smaller than one inch wide by 0.687 inches in height.
- Allow a firm that is not RRP-certified (including your subcontractors) to use the Logo.

EPA will monitor the use of all Logos. If necessary, EPA will address failure to comply with these Logo Guidelines. To report a non-compliant use of the Logo, please contact EPA at 1-800-424-LEAD.

Question (23002-14639)

Can I get the Lead-Safe Certified Firm Logo file in different resolution or in black and white?

Answer

Yes, please e-mail EPARRPFirmLogo@battelle.org for the file. If you don't have an e-mail account, please call 1-800-424-LEAD.

Question (23002-18056)

I can't open the Lead-Safe Certified Firm Logo file I have been sent. What format is it in?

Answer

The Logo is in a standard .jpg file. It is approximately 900KB to ensure clarity. If this size is too large, or a different format is needed, please call National Lead Information Center and provide your firm certification number and e-mail address. They will submit the request to EPA for you.

Question (23002-14652)

Can I receive an .eps, .ai, .ait or modifiable format of the Lead-Safe Certified Firm Logo?

Answer

No, EPA will only send formats that cannot be manipulated (i. e. .bmp, .pdf, .tif etc.)

Question (23002-14618)

Can I change the colors of the Lead-Safe Certified Firm Logo to match my company's current materials?

Answer

No, the Lead-Safe Certified Firm Logo may only be presented in Pantone 362C (green) and Pantone 660C (blue), or in black and white.

Question (23002-18113)

I need my password, or am having technical issues with the site to download the Lead-Safe Certified Firm Logo.

Answer

Please e-mail EPARRPFirmLogo@battelle.org. If you don't have an e-mail account, please call 1-800-242-LEAD.

Question (23002-33374)

Are trainers authorized to use the EPA Lead-Safe Certified Logo?

Answer

Accredited training providers may use the logo on their site and marketing materials as long as it is used as a tool to guide renovators through the firm certification process (i.e., explain the difference between firm certification and individual training). Training providers may inform students that only certified firms will be provided a customized logo exclusively for their use to advertise their businesses once their firm has been certified. Training providers may distribute the logo only to principal instructors affiliated with the accredited provider, and only for the purpose of training as described above. Training providers may NOT distribute the logo to unaffiliated entities. Upon request, EPA will provide to accredited training provider the logo for their use. Requests can be made to the National Lead Information Center at 1-800-424-LEAD.

Question (23002-33375)

May principal instructors, working under the umbrella of an accredited training provider, independently advertise, provide training, or use the EPA Lead-Safe Certified logo?

Answer

No. Principal instructors that advertise, provide training, and use the logo must do so under the name of the accredited training provider for whom they work. They may also state that the organization which employs them is assisting with the training.

Renovator Certification and Training**Question (23002-14050)**

Are state and local government employees who often do renovation work required to be certified?

Answer

If the state or local government uses its own employees to do the work, the state or local government must be a certified firm and at least one of the employees assigned to each job must be a certified renovator. If the state or local government hires a renovation firm to perform the renovation, the state or local government does not need firm or renovator certification, but the firm the state or local government hires must be certified and must perform the renovation using a certified renovator that directs and provides on-the-job training to any workers that are not certified renovators.

Question (23002-23546)

What training requirements apply to non-certified workers who have previous EPA/HUD lead-safe work practices training or accredited abatement supervisor or worker training?

Answer

The RRP Rule requires certified renovators to provide on-the-job training (OJT) to non-certified workers on the work practices they will be using in performing their assigned tasks. The amount of OJT needed and the topics that need to be covered depend on the knowledge and experience of each worker. OJT for a worker who has successfully completed prior EPA/HUD lead-safe work practices training, accredited abatement supervisor or worker training, or HUD's Lead Maintenance course training, might not have to cover basic lead-safe work practices information. It likely would need to address project-specific information (such as the worker's tasks on the job, the operation of new equipment the worker is to use, work area exit locations, and waste disposal locations), as well as any new lead-safe work practices information that was not covered in the worker's course training and that is pertinent to the worker's tasks.

The certified renovator is responsible for ensuring compliance with the work practice standards at all renovations to which he or she is assigned. The certified renovator is also responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards, including the requirement to provide OJT to non-certified workers. The renovation firm must keep records showing what training was provided to workers. It would be advisable for the records to reflect any prior training non-certified workers had taken.

Question (23002-18088)

I have completed an 8-hour lead safe work practices training course, but my certificate has expired. What training do I need to take to become a certified renovator?

Answer

If you have taken one of certain EPA/HUD lead-safe work practices training courses, or accredited abatement supervisor or worker training, before October 4, 2011, regardless of whether this training has expired you may become a certified renovator by taking a 4-hour renovator refresher course in lieu of the 8-hour initial renovator course. EPA is requiring that you complete at least the 4-hour refresher course in order to ensure that you are acquainted with how to use test kits to determine whether lead-based paint is present on a component and how to perform cleaning verification. For a list of the eligible EPA/HUD courses, go to <http://epa.gov/lead/trainerinstructions.html#refresher> or call 1-800-424-LEAD.

Question (23002-19615)

Must a certified lead abatement professional also become trained and certified to do renovation or repair work?

Answer

Yes. Because some skills are different (such as cleaning verification), RRP training and certification is required even if someone already has abatement certification. Please note that if you previously completed an eligible renovation training course before October 4, 2011, you may take the 4-hour refresher course instead of the 8-hour initial course from an accredited training provider to become a certified renovator. For a list of eligible courses, visit <http://epa.gov/lead/trainerinstructions.html#refresher>.

Question (23002-16220)

How can I find an accredited renovation trainer?

Answer

The list of accredited training providers is available on EPA's RRP Web site at http://cfpub.epa.gov/flpp/searchrrp_training.htm, or from the National Lead Information Center, 1-800-424-LEAD. New training providers are being accredited weekly.

Question (23002-20530)

The certified renovator is required to have proof of their certification at the work site. If the certified renovator provides on-the-job training to workers, does there need to be documentation of that training at the work site too?

Answer

No. Certified renovators must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate. Certified renovators are also responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks. The renovation firm must keep records showing what training was provided to workers, but these records need not be available at the work site.

Question (23002-19182)

Is the certified renovator assigned to a specific project responsible for the work practices of other contractors on the project if the certified renovator is an employee of the general contractor of the project?

Answer

All firms performing renovations must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator. A firm acting as a general contractor may satisfy this requirement by hiring another certified firm that takes responsibility for ensuring that all individuals performing the renovation activities are either certified renovators or have been trained by a certified renovator. With respect to assigning a certified renovator who is responsible for any OJT and regularly directing workers who are not certified renovators, a firm acting as a general contractor may satisfy this requirement by hiring another certified firm that in turn assigns a certified renovator to the job. However, this does not discharge the general contractor's liability to ensure compliance with the RRP Rule.

Question (23002-20939)

What about a situation where the home owner is acting as their own general contractor and hires multiple companies to do different portions of the work? In this situation, would each business participating be

required to follow the rules and assign a separate certified renovator to supervise their portion of the work including separate containment?

Answer

While the homeowner may be performing the role of general contractor by hiring firms and organizing their work, the homeowner is not performing, offering, or claiming to perform a renovation and therefore does not need to be a certified firm. The firms hired by the homeowner to perform renovation tasks are responsible for complying with all aspects of the RRP Rule that are applicable to their work, including firm certification. The RRP Rule does not prohibit firms from reaching agreement on which will supply the certified renovator who is responsible for ensuring compliance with the RRP Rule and who directs and trains non-certified workers. However, all firms share liability for ensuring compliance with the RRP Rule.

Question (23002-14757)

Can renovator training courses, both initial and refresher courses, be taught online or via distance learning?

Answer

The final Renovation, Repair and Painting regulation, like the abatement program, permits the use of alternative training techniques (e.g., video training, computer-based training) as a supplement to the hands-on skills assessment, or as a substitute for the lecture portion of the training course requirements outlined in § 745.225.

In addition, § 745.225 of the final rule requires all training programs, including those using alternative training methods, to meet the minimum hourly requirements for hands-on activities in their training courses. Under § 745.225, all training programs are also required to administer a course test and conduct a hands-on skills assessment.

To ensure the quality of such alternative programs, the final rule requires training providers who opt to use alternative techniques to submit all materials as specified in § 745.225 as a part of their application for accreditation. These materials include copies of the course agenda, and student and instructor manuals.

The accreditation of alternative training programs will be based on EPA's review of the training materials submitted under § 745.225, including the course agenda and manuals. In its review, the Agency will consider on a case-by-case basis the provisions made by a training program to ensure the quality of its course materials. Based on that review, the Agency may accredit programs offering alternative training and instructional methods.

Question (23002-19659)

Must maintenance workers at kindergartens and elementary schools become certified renovators if they perform renovations covered by the RRP Rule in the portions of the school that are child-occupied facilities? Are the schools or school systems then required to become certified renovation firms?

Answer

On or after April 22, 2010, all renovations covered by the RRP Rule must be directed by certified renovators and must be performed by certified renovators or individuals trained by a certified renovator. The RRP rule requires any firm, including a local government agency, that performs, offers, or claims to perform renovations to be certified by EPA.

Question (23002-18377)

If a remodeling company that is a certified firm uses all contractual workers rather than employees, must each contractual worker be a certified renovator, or can the workers be trained on the job by a certified renovator employed by the firm?

Answer

Firms hiring contractual workers may provide the certified renovator that oversees the renovation project and provides on-the-job training to contractual workers and other non-certified workers.

Question (23002-18001)

I am a renovator and I want to comply with EPA's Lead Renovation, Repair and Painting Rule. What do I need to do?

Answer

EPA's Lead Renovation, Repair and Painting (RRP) rule sets up new requirements for **firms** and **individuals** performing renovations in pre-1978 housing and child-occupied facilities, such as schools and daycares.

- **Firms** must be EPA certified. To become EPA certified, renovation contractors must submit an application and fee payment to EPA (www.epa.gov/getleadsafe). Once certified, the firm will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA's "Lead-Safe Certified Firm" logo.
- Renovations covered by the rule must be performed or directed by a Certified Renovator. **Individuals** can become a lead-safe certified renovator quite easily. It requires successful completion of a one-day training course in lead-safe work practices. The training courses are offered by EPA-approved private training providers; there is no additional fee to EPA. You can find a training provider in your area by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm.

Over 194 training firms have been accredited to provide the specialized, one-day lead-safe work practices training. Classes teach the specific work practices that contractors need to protect themselves and their clients from lead contamination, and to allow them and their firm to work legally. Certification is immediate upon successful completion of the training class.

Question (23002-17981)

I am a firm and there are no training providers offering classes near me. What do I do?

Answer

More than 340 EPA-accredited training providers have indicated to EPA that they are willing to travel to offer training classes. You can find a list of training providers, including those who are willing to travel, by using EPA's search tool at http://cfpub.epa.gov/flpp/searchrrp_training.htm.

Question (23002-32128)

May I as a training provider issue a certificate without a picture to a trainee who has successfully completed the course but objects to having his or her picture taken (or objects to possessing a photograph of him/herself) on religious grounds?

Answer

Yes. Training providers may provide a person who objects to having his or her picture taken because of sincerely held religious beliefs with the equivalent of a certificate without a picture. Specifically, the training provider may provide an "Acknowledgement of Completion" that the person has successfully completed the training (containing all the information that a certificate would except for a picture). EPA recommends that training providers include the phrase "photo exception" in the normal place for a picture. Further, training providers should use special coding when assigning Part 5 of the unique certificate number. See for example, R-I-56789-10-E0025. Part 5 ("E0025" in the example) represents the unique number assigned by the trainer. The number is sequential and will always begin with the letter E. The first number E0001 should be assigned to the first "photo exception" student completing training in a given calendar year. More general information about creating the unique identification number is available at: <http://epa.gov/lead/trainerinstructions.html#certificate>

EPA further recommends that training providers document the trainee's objection by having the trainee sign a statement containing the following: "My refusal to be photographed is grounded upon a sincerely held religious belief. I understand that if challenged, I may be found in noncompliance unless I can demonstrate the sincerity of my religious beliefs." Training providers should submit a copy of this statement to EPA in lieu of a photograph. For anyone who can demonstrate that his or her refusal to be photographed is grounded upon a sincerely held religious belief this acknowledgement will be treated as the equivalent of a certificate.

NOTE: Training providers may now use CDX to submit post-training notifications to EPA that contain the above-described numbering protocol.

Question (23002-35001):

I'm a certified renovator and am planning to take refresher training course soon to keep my certification current. How long will my new certification last?

Answer:

Renovators who recertify by taking a refresher training course from an accredited training provider will have certification that lasts for a period of 5 years from the date of training.

Authorized State and Tribal Programs

Question (23002-18511)

If I received renovator certification in an authorized state, what do I need to do to work in EPA-administered jurisdictions?

Answer

There are no additional requirements. To become a certified renovator or certified dust sampling technician, an individual must successfully complete the appropriate course accredited by EPA or by an EPA-authorized State or Tribal program. The course completion certificate serves as proof of certification.

EPA renovator certification allows the certified individual to perform renovations covered by this section in any State or Indian Tribal area that does not have a renovation program that is authorized under subpart Q of this part.

Question (23002-19752)

My firm is certified by an authorized state. Does this certification allow my firm to work in EPA-administered jurisdictions?

Answer

No. You must apply for and receive EPA certification before offering, performing, or claiming to perform renovations covered by the RRP Rule in EPA-administered jurisdictions.

Question (23002-19132)

Is my EPA renovator certification accepted in all states and tribal areas?

Answer

Not necessarily. Whether to accept certification from another jurisdiction is up to the individual state or tribal area. EPA cannot compel states or tribes to adopt programs identical to the Federal program or to establish reciprocity provisions. However, EPA continues to encourage states and tribes that may be considering establishing their own renovation programs to keep reciprocity in mind as they move forward.

Question (23002-18120)

I operate a renovation firm and I have heard that my state will adopt its own lead Renovation, Repair and Painting program. Do I have to also be certified by EPA?

Answer

As of July, 2011, twelve states have their own RRP programs (Alabama, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oregon, Rhode Island, Utah, Washington, and Wisconsin) . If your firm is located in one of these states, you should contact them for information on their certification requirements. If you work outside of one of those states, your firm needs to be certified by EPA.

Training Provider Accreditation

Question (23002-15092)

Do all renovation course instructors need to be approved as principal instructors? For example, to reach a 6:1 student-to-instructor ratio with 18 people in the class, may we have one principal instructor who teaches the entire lecture and is assisted by two additional hands-on instructors (who are not approved as principal instructors)?

Answer

Every accredited training program must employ a qualified training manager, and it is the job of the training manager to designate a qualified principal instructor for each course. The principal instructor is responsible for the organization of the course and oversees the teaching of all course material. The training manager may designate expert guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. In this case, where the principal instructor will teach the entire course, qualified guest instructors may assist with the hands-on aspects of the course material.

Question (23002-18403)

If a student in a renovator training course is unable to read and understand English, may the exam be read to them in their native language?

Answer

No. Separate course accreditations are required for each renovation course a training provider offers that is in a language other than English. Courses presented in a language other than English must use instructor manuals, exams, and other course materials in that language that have been reviewed by EPA as part of the accreditation process for the course.

Question (23002-19568)

May renovator training providers provide reasonable accommodations to people with disabilities?

Answer

Yes. However, to pass the course an individual must successfully complete the hands-on skills assessment and receive a passing score on the course test.

Question (23002-19573)

May the renovator training provider give the exam orally?

Answer

Yes. There is no requirement that the course test be conducted in writing. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course.

Question (23002-32491)

Is it permissible for a training provider to employ more than one training manager?

Answer

Yes. The Rule requires that a training provider employ a training manager that meets the qualifications in 40 CFR 745.225(c)(1). EPA does not interpret this to be a limitation on the permissible number of training managers. Therefore, a training provider may employ more than one training manager so long as each person meets all qualifications in 40 CFR 745.225(c)(1). New training providers seeking accreditation for more than one training manager can do so by duplicating the application pages for "Applicant Information," "Qualifications of Training Program Manager" and "Certification Statement" (Sections B, C and I) - and attaching them with the rest of the application. An accredited training provider wishing to add an additional training manager can do so by checking the "Amending Accreditation" box in Section A and completing the application accordingly. In either case, the training provider should make it clear to EPA in the application that they are seeking accreditation with multiple training managers.

Question (23002-35003):

I'm an accredited training provider. Can the final course assessment be administered in an "open book" format?

Answer:

No. The training provider is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainee's knowledge and retention of the course topics. A course test administered in an open book format does not evaluate whether a student has sufficiently learned and retained the information in the course.

Question (23002-35002):

I'm a training provider and have been accredited for the renovator refresher course. If a renovator takes the refresher course early (i.e., before their previous certification has expired), would the new certification be valid for five years from the date of training, or five years from the date that the previous certification expires?

Answer:

Renovator refresher training and recertification is valid for five years from the date of training.

Enforcement and Inspections

Question (23002-24814)

Who would be liable for the fine if a state or local government that was not a certified firm hired a contractor that was not certified?

Answer

The hired firm would be in violation of the RRP Rule if it was uncertified and performing a covered renovation.

Question (23002-18140)

I took a class to be a Certified Renovator and my firm applied for firm certification before April 22, 2010, but my firm does not have its certificate yet. What do we do?

Answer

In these circumstances, EPA does not intend to take enforcement actions against firms who applied for firm certification before April 22 and have not received their certification. The certification requirement is important to making sure that firms are protecting children and other residents while renovations are ongoing, but EPA does not wish to disrupt ongoing renovations for those firms that submitted applications on time. We expect that all of the applications filed before April 22 will be reviewed by June, and that the applications submitted for the first 60 days after April 22 will be reviewed soon thereafter. Thus, it will only be a short window of time when firms that applied are waiting to hear back from EPA.

Question (23002-21890)

What happens if my firm is in the middle of a renovation job on April 22, 2010? My firm is not certified and none of my employees have taken the lead-safe certified renovator training. What should I do?

Answer

You should submit your application for renovation firm certification immediately. You should also arrange for lead-safe certified renovator training for at least one of your employees as soon as possible, and you should require at least one of your employees to review EPA's online training materials at <http://epa.gov/lead/training.html>. In addition, you must follow the lead-safe work practices required by the rule. Information on these work practices can be found at <http://epa.gov/lead/rrp/contractors.html#work> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323). For the first 60 days after April 22, 2010, EPA's general approach for work initiated before that date will be, upon learning that a firm or individual conducting a renovation is not certified or trained, to issue a notice without monetary penalties to that firm or individual. This notice will state that the firm or individual needs to come into compliance as quickly as possible. To correct the noncompliance, the individual or firm will need to provide a copy of an accredited course completion certificate or firm certification to EPA within a reasonable time.

Question (23002-18348)

If a property management company hires a certified firm to perform a renovation and the firm violates the RRP Rule, for example, by failing to distribute the necessary materials or keep proper records, which entity is subject to enforcement action, the property manager or the certified firm?

Answer

It is the certified firm's responsibility to comply with the requirements of the RRP Rule, and any enforcement action taken would be against the firm.

Question (23002-15532)

Does EPA's announcement of June 18, 2010, modify the Lead Renovation Repair and Painting Rule's requirements that contractors use lead-safe work practices when working in pre-1978 housing or child-occupied facilities?

Answer

This announcement does not change the requirement that all contractors take steps to protect children and families from the dangers of lead poisoning by becoming certified and following the work practice standards and the associated recordkeeping requirements. As of April 22, all contractors have been required to be certified and follow the work practice standards described on EPA's website. The effect of the June 18 memorandum only provides firms more time to apply for and obtain certification as a lead-based paint renovation firm before active enforcement of the firm certification requirements begins. EPA is also providing individual workers additional time to enroll in and take the required training course to

become certified lead-based paint renovators before active enforcement of the individual renovator training requirements begins. EPA will use its enforcement authority to ensure compliance by enforcing work practice standards and their associated recordkeeping requirements against all renovators and firms. Therefore, renovators who have not been able to complete the training requirements are advised to review EPA's model training materials available <http://www2.epa.gov/lead/lead-safety-renovation-repair-and-painting-model-certified-renovator-initial-training-course-1>. Additional information on lead-safe work practices can be found at <http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

All renovation firms, even those not yet certified under the RRP rule, are also reminded of their continuing obligations to comply with Lead Renovation, Repair and Painting Rule's pre-renovation information distribution requirements, which require that before firms begin each renovation on pre-1978 housing or child-occupied facilities and to comply with the associated recordkeeping requirements. These requirements are explained in EPA's *Small Entity Compliance Guide to Renovate Right*, available at: <http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

Question (23002-15654)

Does the June 18, 2010, announcement mean that EPA will not enforce certification and training requirements until after October 1, 2010, for firms and December 31, 2010, for renovators?

Answer

EPA is not stopping its enforcement against any renovation firms and individual renovators who do not comply with requirements of work practice standards and associated recordkeeping requirements. However, EPA is providing additional time for renovation firms and workers to obtain the necessary training and certifications before enforcement of the firm certification and individual renovator requirements begins.

- **Renovation Firms.** Until October 1, 2010, EPA will not take enforcement action for violations of the RRP rule's firm certification requirement.
- **Individual Renovators.** EPA will not enforce against individual renovation workers for failure to be trained if the person has applied to enroll in, or has enrolled in, by not later than September 30, 2010, a certified renovator class to train contractors in practices necessary for compliance with the final rules. Individual renovators must complete the training by December 31, 2010. Renovators who have not been able to complete the training requirements are advised to review EPA's model training materials available at <http://www2.epa.gov/lead/lead-safety-renovation-repair-and-painting-model-certified-renovator-initial-training-course-1>. Additional information on lead-safe work practices can be found at <http://www2.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

Question (23002-20668)

Thousands of renovators are already trained and their firms are EPA certified. Will EPA enforce against renovators who did not receive their training certification before December 31, 2010?

Answer

It is most important that all contractors follow the RRP work practice standards. However, EPA is providing additional time for renovation firms and workers to obtain the necessary training and certifications before the enforcement of the firm certification and individual renovator requirements begins. Therefore, renovators who have not been able to complete the training requirements are advised to review EPA's model training materials available at <http://epa.gov/lead/training.html>. Additional information

on lead-safe work practices can be found at <http://www2.epa.gov/lead/small-entity-compliance-guide-reno-vate-right-epas-lead-based-paint-renovation-repair-and> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

Question (23002-17305)

How does the June 18 announcement impact renovators in states that have adopted their own RRP programs?

Answer

As of July, 2011, twelve states -- Alabama, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oregon, Rhode Island, Utah, Washington, and Wisconsin – administer and enforce their own RRP programs. Renovators working in these states must comply with all applicable state laws, notwithstanding this guidance.

Question (23002-21884)

What happens if an individual applied or was accepted for training before October 1, 2010, but the course is cancelled or delayed by the training provider during that 90-day period (October 1 - December 31, 2010)? What recourse does the individual renovation worker have after 12/31/10?

Answer

The renovator must complete training by December 31, 2010. EPA encourages renovators and firms to take advantage of this opportunity and not delay in becoming trained and certified.

Question (23002-17858)

How soon should renovation firms send their applications to EPA?

Answer

Firms should send their applications to EPA as soon as possible. All firms that are not certified by October 1, 2010, will be subject to penalties for failing to comply with the renovation firm requirements of the RRP rule. EPA has been working to expedite processing of applications but, under the regulations, may take up to 90 days.

Question (23002-15746)

Doesn't the June 18 memorandum extend an unfair advantage to members of the regulated community who have delayed compliance with the certification and training requirements and punish those who have complied with the rule?

Answer

EPA does not believe that allowing more time for firms to become certified and renovators to become trained extends an unfair advantage. To the contrary, firms that are already certified can benefit by continuing to advertise that they are certified and may continue to use EPA's program logo during this interim period. The Agency also recognizes the challenges some are facing in obtaining training in a timely fashion and is providing additional time to individual renovators to enroll in and take the required training courses before the Agency actively enforces the individual renovator requirements. EPA is committed to encouraging additional training opportunities in every state to meet this demand for classes.

Information for Do-It-Yourselfers

Question (23002-16166)

How can homeowners protect themselves and their families from exposure to lead dust if they plan on doing their own renovations?

Answer

The RRP Rule does not impose requirements on homeowners performing renovations in their own homes. If you do decide to do a renovation yourself, it's very important to take precautions to protect you and your family from exposure to lead dust. EPA recommends that you follow these simple procedures:

- Contain the work area so that dust does not escape from the area. Cover floors and furniture that cannot be moved with heavy duty plastic and tape, and seal off doors and heating and cooling system vents;
- Keep children, pregnant women, and pets out of the work area at all times;
- Minimize dust during the project by using techniques that generate less dust, such as wet sanding or scraping, or using sanders or grinders that have HEPA vacuum attachments which capture the dust that is generated; and
- Clean up thoroughly by using a HEPA vacuum and wet wiping to clean up dust and debris on surfaces and wet mopping the floors with plenty of rinse water before taking down plastic over doors, windows, and vents.

For more specific information on how to perform renovation, repair, and painting projects safely in your own home, go to www.epa.gov/lead or call the National Lead Information Center at 1-800-424-LEAD.

Vinyl Institute Comments for DOC-2017-0001, Impact of Federal Regulations on Domestic
Manufacturing
March 31, 2017

Attachment 2



LRRP: The Non-Problem That Won't Go Away

The Environmental Protection Agency went live with its Lead Renovation, Repair and Painting Rule on April 22, 2010. The measure (40 CFR §745.85, under the section entitled Lead-Based Paint Poisoning Prevention in Certain Residential Structures) asks a lot. It requires renovation work that disturbs more than six square feet in the interior of a home built before lead paint was banned in 1978 (including the installation and repair of windows) to follow Lead Safe Work Practices, supervised by an EPA-certified renovator and performed by an EPA-certified renovation firm. The work must then be inspected by an EPA-certified inspector. Failure to meet these requirements exposes the contractor to a back-breaking fine of \$37,500 per violation, per day—presumably payable by a certified check.

Now, the LRRP has resurfaced for scrutiny under Section 610 of the Regulatory Flexibility Act, which requires that federal agencies review each rule that has or will have a significant economic impact on a substantial number of “small entities” within 10 years of publication of the final rule.

In responding to this renewed opportunity, the American Architectural Manufacturers Association reiterates its contention that requiring LRRP practices in homes where no pregnant women or children under six are residing, or in cases where lead is not present, is an unnecessary expense that may deter fenestration product replacement that would otherwise improve the energy efficiency of the building.

AAMA is weighing in and asking the EPA to make two key points: lead testing requirements must have attainable parameters, and window pocket replacement and sash kits should be considered minor repair and maintenance activities.

Attainable Parameters

EPA has provided contractors with a

theoretical “out” in that contractors do not have to comply with the Rule if they can show, using an EPA-approved test, that the job area doesn't contain lead. However, the theory has not been backed up with the means.

There are still no test kits available that meet the negative testing requirement provided for under the Rule. This is not just due to bureaucratic inertia; it is scientifically impossible at this time to identify the amount of lead present to the precision and accuracy defined in the LRRP rule. The

kits, does not significantly disturb painted surfaces. During these types of repairs, the frame remains in place and there is a very limited disturbance of the opening.

This position is supported by the EPA's own 2014 FAQ #23002-19759, which states that “replacement of a window sash or door leaf by simply unscrewing hinges or releasing it from a jambliner does not constitute ‘window replacement’ for purposes of the RRP Rule. Therefore, such tasks may fit within the definition of minor repair and maintenance i.e., activi-

“AAMA is weighing in and asking the EPA to make two key points: lead testing requirements must have attainable parameters, and window pocket replacement and sash kits should be considered minor repair and maintenance activities.”

result of this continued lack of a reliable test kit is forcing companies to follow (and charge for) the expensive procedures, even when there may be no need to do so.

In order to support energy-efficiency improvement for the many existing older buildings, AAMA urges the EPA to restate the rule to align the test parameters with currently available technology. Specifically, we support all efforts to identify and/or develop a lead test kit that can easily be used in the field without specialized training and which produces accurate results compliant with the criteria set by the EPA back in 2008.

Minor Repair and Maintenance Activities

Window repair should fall under the definition of minor repair and maintenance—not renovation, as is now the case. While AAMA recognizes that window replacement disturbs painted surfaces, our position is that window repair, such as window pocket replacement and sash

ties that disturb six square feet or less of interior painted surface, or 20 square feet or less of exterior painted surface.”

AAMA has accordingly suggested specific changes in the definitions of the terms “minor repair and maintenance” and “renovation” to clarify that window repair falls under the minor repair and maintenance definition.

By making these changes, simple window or door repair, such as pocket or leaf replacement and sash kits, would not fall under the parameters of the Rule, and consumers would be encouraged to make these minor repairs to improve the energy efficiency of their homes. Given its mission to protect the environment and save energy, that's a win-win for EPA, homeowners, window manufacturers and contractors. ☐

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