

New Lead Paint Rules Coming Soon!

The Environmental Protection Agency has published a new lead paint rule that will be affecting renovations conducted in pre-1978 property. It is important that you understand these rules because they will be affecting all renovators. Additional information is available at www.epa.gov/lead

Existing Regulations

Currently, there are many existing lead paint rules that affect renovations. Hopefully your customers that are renovators are in compliance or are working towards compliance with these rules. These include: (1) worker protection requirements under the Occupational Safety and Health (29CFR1926.62), (2) the requirements for training and lead safe work practices on federally funded properties (24CFR Part35), (3) proper disposal- check with your local and state regulatory agencies, (4) requirements for lead abatement in some situations, and (4) the EPA disclosure rule that requires the EPA pamphlet "Protect Your Family from Lead in Your Home" to be handed out.

Health Effects

Very small amounts of lead can cause health effects. Lead affects the brain, especially in children. Lead can affect children's ability to learn and can have permanent irreversible effects. Lead dust from deteriorated paint is the main source of lead poisoning. In some cases, children eat paint chips, but it is the dust, sometimes invisible, that causes the poisoning. Lead is heavy and settles on surfaces, so young children under the age of six have their hands in their mouths often and ingest the lead from different surfaces they touch. Their brains are at a critical state and the lead interferes with the brain development. Lead can also affect adults – it can result in high blood pressure, kidney damage, reproductive problems, and more. Lead does not kill many people, but it affects their health. Disturbing lead paint and dust during renovation can be a hazard for the occupants, the workers, and the worker's families.

Brief Summary of the Requirements of the New Rule

- Applies to all pre-1978 residential property
- Requires a new pamphlet to be handed out
- Applies to renovations of six square feet per room on the interior and 20 square feet on the exterior
- Requires one day of training and certification of at least one person per crew
- Requires certification of companies
- Requires lead safe work practices
- Requires a cleaning verification after the renovation job
- Requires recordkeeping

Effective Dates of New Rule

June 23, 2008 – The new "Renovate Right" booklet can be handed out, or the existing "Protect Your Family from Lead in Your Home."

December 22, 2008 – The new "Renovate Right" booklet must be handed out prior to renovations. The "Protect Your Family from Lead in Your Home" will be used only for disclosure from home sellers and rental property owners.

April 22, 2010 – Firms and individuals can become certified, lead safe work practices will be required on all work disturbing more than 6 sq ft (per room-interior) and 20 sq ft on the exterior – check with your local and state health departments. The new rule may be implemented by the EPA or your state health department.

Types of Buildings the New Rule Applies to

The new rule applies to all pre-1978 residential property. This includes child-occupied facilities (including daycares and kindergartens with children under the age of six), pre-1978 residential rental property, and pre-1978 owner occupied housing. Please note the expansion of the pamphlet and work practice requirements to the child occupied facilities and kindergartens.

Certification Requirements

The new rule will now require at least one certified renovator to oversee each project. There are certain requirements when the renovator will need to be onsite. These include when warning signs are posted, when the containment is being established, while the work area is being cleaned, and must regularly direct work being performed by other individuals. The certified renovator will be required to take a one-day "Lead Safe Work Practices" course. If you have a person already trained in a HUD/EPA approved course, very likely that individual will only need to take a 4-hour refresher. This will be determined by your state or the EPA at a future date.

Firms will also need to become certified. Certified firms will need to keep records for three years. Records include, but are not limited to recording training certificates, name of certified renovator, lead safe work practice documentation, cleaning verification, and waste containment. Please see the enclosed draft checklist or get a copy of the checklist at <http://www.epa.gov/lead/pubs/samplechecklist.pdf>.

There is also a consulting discipline a lead sampling technician that will be developed.

Work Practice Requirements

Dust control and cleaning are very important parts to the new rule. Most of them are common sense and many of them you probably already use. The lead safe work practice requirements include: posting warning signs, containing the work area (including remove moveable objects from work area and covering floors and windows with plastic), cleaning tools before leaving work area, containerizing waste and proper cleaning including with a HEPA vacuum.

In addition, a cleaning verification is required to be performed by the certified renovator. This will include going over the cleaned work area with a cloth and comparing the level of grey dust with a verification card to see if it is clean enough.

Prohibited and restricted work practices include open-flaming burning and torching. Specific dust creating activities including sanding, grinding, and planing are prohibited unless used with HEPA exhaust control. Heat guns are only allowed if operated below 1100 degrees Fahrenheit.

Exceptions

There are some exceptions to this new rule. They include emergency renovations. The exceptions to emergency renovations include not having to distribute the pamphlet, use lead safe work practices, warning signs, containment, waste handling, and training and certification. However, the requirements that still apply to emergency renovations include cleaning requirements, cleaning verification overseen by certified renovator, and the recordkeeping requirements.

Another exception applies to an owner-occupied house, IF the owners are willing to sign a statement acknowledging that a child under the age of six does not reside there, no pregnant woman resides there, the property is not a child-occupied facility, and the owner acknowledges that the renovation firm will not be using lead safe work practices. Issues to consider when looking at this exception include liability and the potential for state rules to disallow the use of a certified renovator using "un-lead-safe work practices."

Also, if through approved testing, the paint is determined to be below EPA thresholds (or state thresholds if more stringent) many of the requirements of the rule would not apply. Documentation of the testing would need to be recorded.

What Should Renovators Do?

Use lead safe work practices. They already should be. Because of OSHA worker protection requirements, liability, and common sense, renovation companies should implement dust control work practices that are also lead safe. Use a HEPA vacuum. In addition, renovators don't want workers bringing home lead dust on their clothes to their own families.

Renovators should get trained. This EPA rule requires only one person per crew to be a certified renovator and the rest of the crew can receive on-the-job training. OSHA, however requires that all workers are informed about lead when they are required to work with it. The OSHA rule has existed since 1993.

Start using the lead paint issue as a sales tool. Renovators already have to hand out the EPA pamphlet. If they already are using dust control work practices, use it as a sales tool. Use the lead issue as a sales tool to address deferred maintenance. Plumbing and electrical are easily able to be seen as a priority if there is pouring water or sparks. Peeling paint and dust haven't received as much of a priority. Windows are the biggest source of lead poisoning. Use the issue along with the great features of the new products to sell more windows and lead safe equipment!

Additional Resources For You

Environmental Protection Agency

www.epa.gov/lead

Department of Housing and Urban Development

www.hud.gov/offices/lead

Occupational Safety and Health Administration

www.osha.gov

National Paint and Coatings Association – offers training throughout the country

www.lead safetraining.org

Milwaukee Lead & Asbestos Information Center, Inc.

www.mlaic.com

Ada Duffey is the President of Milwaukee Lead & Asbestos Information Center, Inc. She is a certified lead carpenter and certified remodeler. Milwaukee Lead conducts over 95% of all of the lead paint training in Wisconsin. Milwaukee Lead has conducted lead paint training since 1993. Milwaukee Lead was first in the nation to receive EPA approval of its courses in 1997. Milwaukee Lead is a distributor of HEPA vacuums.

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