



EPA's lead based paint rule, "It's back!" part 2

July 28, 2014 - Green Buildings

When you speak to contractors and contractor associations and suppliers the story on the street today, since EPA passed the Lead Paint Renovation, Repair and Painting Rule (RRP) law is very little if any enforcement has been noticed. "It's just a money grab and this lead paint thing is just a bunch of BS" suggest many I have spoken to. If you want to be a follower believe the above; if you want to know the real story and why maintaining your certification before it expires is important, read on.

On April 17, 2014 Lowe's Home Improvement was fined for \$500,000 and was required by the EPA to comply with their Lead Paint RRP requirements in over 1,700 stores as well as all their subs and contracted labor sources. WOW! EPA's new found weapon, to enforce with limited resources, is to drive the suppliers to enforce as well as have suppliers educate their consumers. What perfect or maybe planned timing by EPA?

Five years ago, EPA was in regulation take off mode and compliance assistance was the theme. After 5 years to comply and now at the Lead Paint RRP's first anniversary renewal cycle, EPA is publicly stating they are in enforcement/compliance mode!

Since the initial federal requirement for EPA's RRP compliance went into effect five years ago, CDC has publicly announced that they have lowered the traditional blood level of concern of 10ug/dl to the new reference level of 5ug/dl which was based on the recommendations by their five year advisory panel. Per the CDC data this will mean one out of 53 (1:53) children under 6 years old will have a blood lead level above 5 ug/dl and be publicly a child at risk. All will have to be more compliant or RUN the risk of having a child show an elevated blood lead above 5 and then be questioned on their compliance. Unfortunately, the current CDC reference level is really that low, as my nationally recognized toxicologist uncle "Doc" Gary Wasserman used to inform me, "an iceberg can have a 10ug/dl" and it should be shared that according to studies, 90% of the children living in sections of Africa have blood lead levels of equal to or greater than 10ug/dl. So Americas/CDC's new Reference Value of 5ug/dl should keep many on their toes with compliance.

Unfortunately, lack of compliance or failure to comply historically, coupled with CDC's publicizing their new Lead Reference Value, are two new very motivating factors and when coupled with EPA's public services announcements beginning this fall, will enhance the already active lead poisoning litigation market! Lawyers always seem to find a cause to protect! Many of us have probably already seen lawyers advertising lead poisoning cases and unfortunately way too many in today's world want others to pay.

Whether you believe lead paint is important, whether you want to believe any of the above or not, ask yourself for a day (initial course) or a half-day (refresher) is the risk worth not complying with this one? As a 20+ year expert who actively provides litigation expert assistance, I say, "No, get certified and stay compliant, the consequences if you are unlucky are substantial!"

Lee Wasserman is the president & CEO of Lew Corp., Mountainside, N.J.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540