



## **Another new federal lead-based paint law: Know the rule and get required federal certification now!**

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On April 22, 2008 the United States Environmental Protection Agency (EPA) published their newest and maybe most encompassing lead-based paint law: 40 CFR Part 745 Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet, Final Rule. Sections of this federal law have already gone into effect this past winter. However, by April 22, 2010 ALL sections of this law will be nationally enforceable, inclusive of EPA's mandatory requirement for Lead Safe Renovator Firm Certification with proof of employment of EPA certified lead safe supervisor(s). Unless exempted, all projects beginning this spring that might include the disturbance of a painted surface(s) on any Pre-1978 residential (multi and single family) or child occupied facilities (daycare, schools) must comply with this law's Firm and Employee Certification and other requirements or will be in violation of a federal law which has the potential for substantial enforcement and litigation. The text and bullets below, provide for a basic overview of this law's requirements, but to know the rule and comply you must complete it's training requirements by an EPA certified training provider ([www.RRPTrainer.com](http://www.RRPTrainer.com)) and must apply to EPA for both firm and supervisor certification beginning October 22.

So what does the quickly approaching implementation of this newest EPA lead-based paint renovation, repair and painting law mean to each of us.

It means if you or your company do remodeling, repair, maintenance, electrical work, plumbing, painting, carpentry, demolition and window replacement in residential or child occupied structures you are now required to become an EPA certified lead safe firm, which means firms performing renovations must ensure that:

- \* All individuals performing activities that disturb painted surfaces on behalf of the firm are either certified renovators or have been trained by a certified renovator.
- \* A certified renovator is assigned to each renovation and performs all of the certified renovator responsibilities.
- \* All renovations performed by the firm are performed in accordance with the work practice standards of the Lead-Based Paint Renovation, Repair, and Painting Program.
- \* Pre-renovation education distribution and documentation requirements of the Lead-Based Paint Renovation, Repair, and Painting Program are performed.
- \* The program's substantial and detailed recordkeeping requirements are met.

(Excerpted from EPA Small entity Compliance Guide to Renovate right, EPA's Lead-Based Paint Renovation, Repair and Painting Program 12/2008)

It also means, at least one person at each firm or every project supervisor needs to become an EPA certified renovator which requires the above mentioned training and brings along with it the following additional responsibilities.

- \* The certified renovator must use a test kit acceptable to EPA, when requested by the party contracting for renovation services, to determine whether components to be affected by the renovation contain lead-based paint.
- \* The certified renovator must provide on-the-job training to workers on the work practices they will be using in performing their assigned tasks and the certified renovator is legally responsible for worker training and the documentation of.
- \* The certified renovator must be physically present at the work site when warning signs are posted, while the work-area containment is being established, and while the work-area cleaning is performed.
- \* The certified renovator must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
- \* The certified renovator must be available, either on-site or by telephone, at all times renovations are being conducted.
- \* The certified renovator must perform project cleaning verification or collect dust wipe clearance samples if appropriately certified.
- \* The certified renovator must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.
- \* Must prepare required records.

The EPA's intent and obligation is to require national compliance by enforcing its requirements. This law has REAL teeth with its \$32,500 per day/per project penalty for violators as well as potential jail time. However, what disturbs me the most with this law and its requirements is its highly litigious potential if not properly certified and complied with.

The rule is national and will require 425,000 + of individuals and entities (public and private), potentially yours, to be compliant within less than 7 months of this article. Beginning October 22, ALL impacted entities and individuals across the country who have completed the training may begin to apply to EPA for proper certification. The EPA has regulated a limitation on the number of students that can be trained per instructor, accordingly most class sizes will be relatively small. Because of the limitation on class sizes it is believed that over the remaining months prior to this law's effective date and national enforcement, demand will substantially increase and availability for the training might be more difficult to obtain, so don't wait. It should also be mentioned that once the EPA required Lead Safe Supervisor class is completed the actual application process to EPA could also be cause for delay, so again DON'T WAIT!

In summary, this new federal law will impact a large volume of entities, it will change the way many do business, it will require mandatory training of supervisors and workers, it will require submission to EPA for firm and supervisor certification beginning 10/22/09 and proof of certification no later than 4/22/10, or you will be in violation. There is no reason not to be compliant, visit [www.RRPTrainer.com](http://www.RRPTrainer.com) for more information about this federal EPA rule, its training requirements and availability.

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