

ENVIRONMENTAL ALERT

September 15, 2009

Lead: Renovation, Repair and Painting Program

The U.S. Environmental Protection Agency (EPA) recently issued new rules applicable to contractors involved with the renovation or repairs of housing, child-care facilities or schools that were built before 1978; this, to further protect children from exposure to lead-based paint.

EPA considers lead a toxic metal. For many years lead was used in paint (lead-based) but this was banned from residential use in 1978. According to EPA, exposure to lead can result in health problems for both children and adults. Children under six years of age are considered to be the most at risk as their developing nervous system is especially vulnerable to its effects and because they are also more likely to ingest it due to their more frequent hand-to-mouth behavior. EPA considers that the major source of lead poisoning is leaded-paint and lead contaminated dust/chips from deteriorated paint.

The "Lead: Renovation, Repair and Painting Program" ("RR& P") rule, which will take effect in April 2010, prohibits certain practices that create lead hazards. Under the new rule, contractors must follow lead-safe work practice standards to reduce potential exposure to dangerous levels during renovation and repair activities. Requirements under the rule include implementing lead-safe work practices, certification and training for contractors and other professionals working in pre-1978 housing, child-care facilities and schools. Starting on October 22, 2009, contractors must take an EPA-accredited training before beginning any renovation, repair or painting project as defined in the RR& P rule.

The RR&P rule covers all buildings or portions thereof where children under six reside or common areas in public and commercial buildings, such as restrooms and cafeterias. The new requirements apply to renovation, repair or painting activities where more than six square feet of lead-based paint is to be disturbed in the interior of the structure or where 20 square feet of lead-based paint is to be disturbed on the exterior. Contractors required to comply with the RR&P rule include builders, painters, plumbers and electricians. As part of the requirements, contractors are required to post warning signs, restrict occupants from work areas, contain work areas to prevent dust and debris from spreading, conduct a thorough cleanup, and verify that the cleanup was effective.

If you have any question or comment, or wish additional information regarding this matter, please contact any of the attorneys listed below, members of our Environmental, Energy and Land Use Practice Group.

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