

Renovation Rule Looms Over Contractors and Property Managers

**To learn more
about this
EPA regulation,
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Businesses involved in the management, leasing or renovation of residential property will face additional complications when a new USEPA regulation takes effect in April 2010.

The USEPA's new Renovation, Repair and Painting Rule, issued in 2008 and effective on April 22 of this year, requires that all contractors performing renovation, repair and painting projects that disturb lead-based paint become certified by the EPA before performing work on homes built before 1978. According to numbers from the U.S. Census, that is two of every three dwellings in the country. It further applies to weatherization projects that require actions such as cutting holes to fill voids or to gain access to an attic. Essentially any home maintenance or improvement professional, from renovators to plumbers and painters, is impacted by this rule.

This Renovation Rule also applies to schools, day care centers and other commercial properties that are occupied by children.

These new regulations are designed to limit exposure to lead in and around areas where work is performed. In addition to the

stereotyped image of lead paint chips finding their way into the hands and mouths of children, the prescribed procedures seek to minimize potential airborne contamination from dust or seepage into the surrounding soil from debris.

Thresholds for enforcement of the rule are relatively low. Any work for hire that disturbs more than six square feet of painted surfaces indoors, or more than 20 square feet outdoors, must have a certified professional onsite to perform or supervise such work. A certified contractor managing multiple job sites will need to be physically present at each site whenever any qualifying work takes place.

Contractors are required to provide proof of certification to the homeowner or property manager before beginning work and to offer a pamphlet explaining the certification to consumers or tenants. A written record of compliance with this part of the rule must be kept for inspection by the EPA.

Certification includes demonstrated knowledge of lead-safe procedures such as testing, dust containment, cleaning and disposal. The new requirements for

worksite procedures likely will add time and material costs to many projects. For example, cleaning procedures require that window sills be wiped with specific cloth to remove potentially lead-containing dust and to verify the absence of any residual. This task also must be performed or supervised by the certified contractor.

Field testing may be used to verify the absence of lead in a work area, but even that test must be completed by a certified professional using an EPA-recognized test kit. To say the least, there is ample opportunity for headaches as companies come into compliance.

When the rule was announced in 2008, it included a set of guidelines for the certification process. Industry has estimated that so far just 14,000 contractors have been certified across the country, while the USEPA estimates 50,000. In addition to the lack of certified contractors, there is shortage of

EPA-approved trainers to bring more companies and crews into compliance. Fewer than 150 trainers have been approved by the EPA. Even with an influx of new approved trainers, the agency has up to 90 days to complete a certification, so with the deadline of April 22 fast approaching, it is unlikely these numbers will change significantly.

It's still unclear what priority the EPA will give to enforcing the new rule, at least until more trainers and more certified contractors come on line. As with any regulation, understanding the legal requirements and potential hazards is essential. However, if the USEPA enforcement of existing target housing lead paint notification requirements and asbestos removal operations are any indicator, the agency will not sit idly on the sidelines.

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