

Lead Law

EPA Now Enforcing Lead Renovation, Repair and Painting Program (RRP) Regulations

BY ASHLEY SLOVINSKI

The Environmental Protection Agency (EPA) implemented the Lead Renovation, Repair and Painting Program (RRP) in Dec. 2008, setting new rules for contractors who renovate or repair housing, child care facilities, or schools built before 1978. Complete enforcement of the rules did not take effect until Apr. 22 of this year, however.

The new requirements apply to renovation, repair or painting projects in which more than six-sq-ft of lead-based paint is disturbed in a room or where 20 square feet of lead-based paint is disturbed on the exterior. Construction firms must apply for and receive EPA certification to work on these types of projects. In addition, all of these jobs must be supervised by certified renovators. To become a certified renovator, individuals must complete an EPA-accredited, full-day training course. Plus, other craft workers on such jobsites must be properly trained and equipped to follow the RRP Program's lead-safe work practices.

Pre-renovation education requirements took effect on Dec. 22, 2008, which requires workers to distribute an EPA educational pamphlet to occupants, post signs and retain records for three year. Training, certification, and work practice requirements are now in effect.

A construction firm can become certified to perform renovations by submitting an application for certification and fee payment to EPA. The Agency has up to 90 days to approve or disapprove a submitted application. A downloadable application and the list of EPA's accredited training providers can be found on the Agency's website. Contractors that do not comply risk fines of up to \$37,500 per violation, per day. In addition to the new enforcement of the 2008 Lead RRP rule, the EPA announced in April that it is currently considering whether or not to expand the requirements to cover



renovations of both the exteriors and interiors of all public and commercial buildings.

The EPA published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register of its intent to further strengthen the regulation by December 2011 and take final action by July 2012, in compliance with a legal settlement agreement that the Agency made with several environmental and public health advocacy groups.

The Agency is currently requesting comment, information and data from the public on the factors that must be considered in determining which types of construction projects in which types of public/commercial buildings create lead-based paint hazards. The AGC sent in its response, along with the input of members, on July 6.

"I thought the rule would only affect a small niche of AGC members," Leah Pilconis, Environmental Consultant for AGC, said, "but we're finding out it affects a lot of our builders. This expansion would affect all builders."

Following the new enforcement of the Lead RRP rule, many small business contractors have had a hard time complying for a number of reasons. First, there are few EPA-"accredited" trainers available to educate construction workers on these new requirements in most states. Second, the EPA has not had enough time to process all of the applications for certification.

Many frustrated contractors contacted their congressmen, putting political pressure on the Agency to delay enforcing the regulations. "There was a huge uprising," Pilconis said.

The Agency issued a memorandum on June 18 providing renovation firms and workers additional time to obtain necessary training and certifications to comply with its new lead paint rules. The EPA will not fine renovation workers who enroll in or apply to enroll in a certified renovator class by Sept. 30 and complete this training by Dec. 31, 2010.

For more information about these provisions, subscribe to the AGC's Environmental Observer at www.newsletters.agc.org/environment. This free resource updates AGC members on all federal environmental requirements affecting construction.

Did You Know...

The Builders Association is a proud charter member of the AGC of America, the nation's largest and most effective construction industry advocate. Since helping form the AGC in 1918, the Builders Association has been one of its most active chapters and has had three members serve as President of the national organization.

