

Lead Paint Regulation Frequently Asked Questions

1. What is the Renovation, Repair & Painting Rule?

The EPA's RRP Rule requires that renovators are trained in the use of lead safe work practices, that renovators and firms be certified, that providers of renovation training be accredited, and that renovators follow specific work practice standards in residential homes and child-occupied buildings built pre-1978.

2. What's the difference between a certified firm and a certified renovator?

A certified firm is approved by the EPA to conduct remodeling business in pre-1978 housing. A certified renovator is approved to carry out remodeling work practices described in the terms of the EPA's lead paint rule. A single-person company must take the certified renovator training and also register the firm with EPA. The registration fee for certifying the firm is \$300. There is no fee for certification of the renovator but the renovator pays the training fee which is set by the training provider.

3. If my firm is certified, do I need to have a certified renovator?

Yes, a certified firm must have a certified renovator on staff to carry out work practices and other requirements described in the rule.

4. Does the certified renovator need to be on the job at all times?

The certified renovator must be available to oversee setting up containment, clean up, and cleaning verification. The certified renovator must also be available by telephone or stay on site if requested by the client.

5. Will my subcontractors need to be certified?

Subcontractors working in target housing need to be certified or supervised by a certified renovator to follow rule requirements. Subcontractors may be treated like non-certified workers and can be trained on site by a certified renovation and supervised accordingly.

6. Will the rule be enforced through EPA or local and state governments?

The Federal lead paint rule will be enforced by the EPA. However, individual state governments can elect to create and then enforce their own lead paint regulations equivalent to or stricter than federal regulations.

7. What are the three approved spot-lead test kits?

Information regarding recognized test kits is available at <http://www.epa.gov/lead/pubs/kits.htm>. LeadCheck swabs, in particular, are available commercially at most home improvement stores. Many home test kits for lead are unreliable and it is recommended contractors check to see if the results can be disclosed for real estate purposes.

The firm is required to determine that there is no lead-based paint on the components undergoing renovation. The certified renovator is only required to use one spot test kit for each component, even if the surface of the component is extensive (e.g., a large wall). The firm can make this determination by looking at a previous report by a certified inspector or risk assessor. The firm can also have a certified renovator test components using an EPA recognized test kit. The renovation firm must retain records of paint testing for 3 years. In addition, when test kits are used, the renovation firm must, within 30 days of the completion of the renovation, provide identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results to the person who contracted for the renovation.

Questions and Answers from RRP Rule Meeting with ND Dept. of Health and EPA

Wednesday, February 22, 2010 – Bismarck

1. Clarify how commercial remodeling is handled vs. residential remodeling? What if the building/home is unoccupied, is it handled differently?
It applies to residential houses, apartments, and child-occupied facilities such as schools and day-care centers built before 1978. It doesn't matter if the home or building is unoccupied – the same steps must be followed.
2. Can a company have a project manager certified to oversee multiple projects? Does that person need to be on the job ALL the time?
Yes, a company can have one Certified Renovator to oversee multiple projects. That CR doesn't need to be onsite the entire time, but must be within a phone call of the jobsite and must have trained the crew on the job.

3. Classes scheduled for late March could potentially have to be postponed until after the implementation date due to flooding. What relief can our contractors get? Has the ND Dept. of Health spoken with the folks in MN about this? Since they're in EPA's Region 5, can we make sure everyone is on the same page?
Those training dates should be kept, and optional dates may also be selected, even if they're after the implementation date. You must make every effort to do the training as scheduled. There is no exemption for having training delayed. Sandi Washek from the ND Dept. of Health has spoken with her counterpart in Minnesota, and they plan to work together to make this as smooth as possible. Her MN counterpart is also working with EPA's Region 5 to ensure that they are in sync with EPA Region 8.
4. Is there any concern about reciprocity of training? What is the length of certification?
There may be some states that do not recognize training from other states – this is not completely clear, and we will try to get more answers on this. The Certified Renovator length of certification is five years, with a refresher course needed at that time. The Firm Certification also lasts five years and must be renewed after that.
5. Discuss the company/firm certification/application process.
The Firm Certification should be sent in NOW by any company that will potentially work in a structure built pre-1978 and may disturb painted surfaces. There is a \$300 fee paid to EPA for the five-year Firm Certification.
6. Contractors are concerned about a liability issue with their contractors' insurance policy if they are "certified." Does this liability concern apply to contractors, or just the testers?
There is no doubt that contractors assume liability in this. Having testing done by a third-party may be a way to shift some of the liability, though this was not made clear by EPA.
7. How, where and when are the results of testing provided? This is done locally?
There are local testing companies that provide this service, and results can generally be provided within 24 hours.
8. What about the opt-out provision? If there are no children or pregnant women living in the home, must these rules still be followed?
The opt-out provision is going away – this will NOT be available, despite what some of the EPA booklets currently say. (The "Renovate Right" booklet dated March 2008 is no longer printed and should not be used.)
9. What kind of paperwork trail needs to be maintained by certified people? How long do they need to keep? Does anything need to be sent in? If so, to who?
Instructions on the paperwork necessary are provided at the Certified Renovator course. Most paperwork must be retained for three years.
10. What happens in the rural areas where building permits aren't even required? Contractors run the risk of being sued by homeowners?
Any contractors working in rural areas, with or without building permit requirements, must also abide by the RRP Rule.
11. If the homeowner does the removal and preparation work on the project, what is the contractor's responsibility?
As long as the contractor is not disturbing the paint, they should not have to follow all the RRP Rules. Litigators must prove if anything was done during the renovation process to pin liability on the contractor. Homeowners doing their own work are not subject to this rule. However, anyone accepting compensation must abide by the RRP Rule – even if that compensation is beer and pizza. So, if those DIY people get their neighbor to help them then serve them some snacks – they must follow the RRP Rule.
12. If the state takes over authority on this from EPA, can any of the rules change?
If authority is taken over by the ND Dept. of Health, the RRP Rule cannot be less stringent, though can be more stringent. ND could offer more leeway in terms of working on various techniques for dealing with snow outside homes, etc.