

Editor's note:

Summary of Renovation, Repair and Paint regarding lead paint is below, courtesy of Mr. Landlord.

A complete 79-page description is available at:

<http://www.docstoc.com/docs/42127478/Lead-Renovation-Repair-and-Painting-Program>

RRP RULE AND NEWLEAD-SAFE PRACTICES REQUIREMENT AFFECTING LANDLORDS BEGINNING APRIL 22, 2010

The EPA has issued a Renovation, Repair and Paint rule (RRP) requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning April 22, 2010, landlords and contractors performing renovation, repair and painting projects that disturb lead-based paint in rental property built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children.

What types of properties and facilities does the lead paint rule apply to?

The RRP Rule applies to "residential houses, apartments, and child-occupied facilities such as schools and day-care facilities built before 1978." In addition, the rule must be followed when "repair or maintenance activities disturb more than 6 square feet of paint per room inside, or more than 20 square feet on the exterior of a home or building." Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

Exceptions?

The EPA outlines activities which are excluded from the rule, such as emergency repairs and "minor" repair or maintenance, including work with less than six square feet of disturbed interior space. However, the EPA specifically states that "window replacement" is not minor repair or maintenance.

Who must follow the rule?

According to the EPA, the rule applies as follows: "In general, anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978, including but not limited to: residential rental property owners/managers; general contractors; special trade contractors including painters, plumbers, carpenters and electricians." As to landlords and property managers, the EPA booklet says, "The receipt of rent payments or salaries derived from rent payments is considered compensation under the EPA's lead paint rule. Therefore, renovation activities performed by landlords or employees of landlords are covered [by the rule]."

What are some of the rule requirements?

Rental property owners or contractors working on your rentals, who renovate, repair, or prepare surfaces for painting in pre-1978 rental housing must, before beginning work, provide tenants with a copy of EPA's lead hazard information pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*. Owners of these rental properties must document compliance with this requirement. The EPA website provides a sample pre-renovation disclosure form, which may be used for this purpose.

Understand that after April 22, 2010, landlords who work on their own properties or contractors doing the work, and perform above mentioned projects in pre-1978 rental housing, must be certified and follow the lead-safe work practices required by EPA's Renovation, Repair and Remodeling rule. If you are the landlord/owner and do the work yourself, you must be a trained renovator. You are allowed to teach any workers helping you and they perform the work under your training. And, if you aren't a contractor, and are an owner/landlord, then besides being "a trained renovator", you have to file with the EPA that you or your company is certified and responsible for your trained workers. To become certified, property owners and contractors must submit an application for certification and fee payment to EPA.

A "certified renovator" must be assigned to each renovation project, and "must be available, either on-site or by telephone, at all times renovations are being conducted." This person must have completed an 8-hour training course approved by the EPA. A full list of providers is listed at: <http://www.epa.gov/lead/pubs/renovation.htm>

Property owners who perform renovation, repairs, and painting jobs in rental property should also:

- * Learn the lead laws that apply to you regarding certification and lead-safe work practices beginning in April 2010.
- * Keep records to demonstrate that you and any one working under your supervision have been trained in lead-safe work practices and that you followed lead-safe work practices on the job. To make record keeping easier, you may use the sample record keeping check list on the EPA website that was developed to help renovators comply with the renovation record keeping requirements that will take effect in April 2010.

Any requirements for homeowners working at their own Home?

If you are a homeowner performing renovation, repair, or painting work in your own home, EPA's RRP rule does not cover your project. However, you have the ultimate responsibility for the safety of your family or children in your care.

Any additional requirements for Contractors working on your rentals?

Any contractors who perform renovation, repairs, and painting jobs on your rental property should also:

- * Take training to learn how to perform lead-safe work practices.
 - * Find a training provider that has been accredited by EPA to provide training for renovators under EPA's Renovation, Repair, and Painting (RRP) Program.
 - * Please note that if contractors previously completed an eligible renovation training course they may take the 4-hour refresher course instead of the 8-hour initial course from an accredited training provider to become a certified renovator.
 - * Provide a copy of your EPA or state lead training certificate to landlord clients.
 - * Tell landlord clients what lead-safe methods you will use to perform the job.
 - * Learn the lead laws that apply to them regarding certification and lead-safe work practices beginning in April 2010.
 - * Ask landlord client to share the results of any previously conducted lead tests.
- Provide landlord clients with references from at least three recent jobs involving homes built before 1978.
- * Firms are required to be certified, their employees must be trained in use of lead-safe work practices, and lead-safe work practices that minimize occupants' exposure to lead hazards must be followed.
 - * Keep records to demonstrate that you and your workers have been trained in lead-safe work practices and that you followed lead-safe work practices on the job. To make record keeping easier, you may use the sample record keeping checklist from their website that EPA has developed to help contractors comply with the renovation record keeping requirements that will take effect in April 2010.
 - * Read about how to comply with EPA's rule in the EPA Small Entity Compliance Guide to Renovate Right.
 - * Read about how to use lead-safe work practices in EPA's Steps to Lead Safe Renovation, Repair and Painting. NOTE: Contractors and training providers working in Wisconsin, Iowa, or North Carolina must contact the state to find out more about its training and certification requirements. These states are authorized to administer their own RRP programs in lieu of the federal program.

What is the penalty for landlords or contractors who do not comply with the EPA rule?

Fines for violating RRP Rule requirements can be up to \$37,500 per incident, per day.

Reprinted from Mr. Landlord ? 2010