

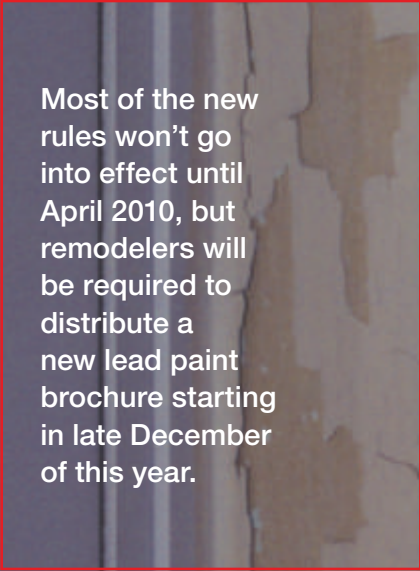
## Lead Paint Rule Effective in 2010

New lead information pamphlet required beginning in December 2008

**O**n March 31, after years of research, proposals, debate, and revisions, the Environmental Protection Agency (EPA) issued its final rule on lead-safe work practices. The rule fulfills the EPA's obligation — laid out in the Residential Lead-Based Paint Hazard Reduction Act of 1992 — to “establish standards for performing lead-based paint activities that are reliable, effective, and safe.”

Much of the text of the rule should look familiar to those who have closely followed this issue. Two years ago, the EPA issued a proposed rule (March 2006 REMODELING, p. 25) that served as the framework for this final rule; that proposal was supplemented by a proposal released by the agency in June 2007. There are certainly changes from those documents to the final rule — some larger or more important than others — but the basics, described in the rest of this article, are no surprise: A new information brochure to be distributed to homeowners; the banning of certain work practices when dealing with lead-based paint; standards for performing renovations that disturb lead-based paint; and required certification and training.

*Editor's Note: Although the final rule was more than a month old by the time this issue of REMODELING went to press, several people within the remodeling community whom we consider experts on the subject had not yet finished reviewing it or formulating an opinion on its impact. Therefore, the purpose of this article is solely to inform readers of some of the provisions of the new rule, although readers are encouraged to visit [www.epa.gov/lead](http://www.epa.gov/lead) for a more thorough treatment. Stay tuned to [www.remodelingmag.com](http://www.remodelingmag.com) in the coming weeks and months for discussion of the impact of this regulation.*



Most of the new rules won't go into effect until April 2010, but remodelers will be required to distribute a new lead paint brochure starting in late December of this year.

### WHEN AND WHERE

It's helpful to think of the new rule as accomplishing two objectives: It establishes the methods in which renovations that disturb lead-based paint must be performed, and it sets up certification and training requirements for home improvement companies doing those renovations. With certain exceptions, it applies to renovations that disturb lead-based paint in houses, child-care facilities, and schools built before 1978.

The EPA is encouraging contractors to adopt the work practices laid out in the rule, but the rule doesn't go into effect until April 22, 2010. One other key date is December 22, 2008. That's when contractors will be required to provide a copy of the EPA's new lead information pamphlet — “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” — to owners and tenants of buildings that will undergo renovations that disturb lead-based paint. This new pamphlet will replace the one titled “Lead: Protect

Your Family,” which remodelers have been required to disseminate to clients for the last nine years.

### SAFE WORK PRACTICES

The rule specifically bans certain techniques when renovating an area containing lead paint. They are here, in full, excerpted from the April 22, 2008 edition of the Federal Register:

- Open flame burning or torching of lead-based paint;
- The use of machines that remove lead-based paint through high-speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control;
- Operating a heat gun above 1,100 degrees Fahrenheit.

### CERTIFICATION AND TRAINING

The new rule requires two levels of certification. Once the rule goes into effect, any company undertaking renovations covered under the rule must be certified by the EPA to do so. There is no training for this aspect: Starting on October 22, 2009, firms will send an application plus relevant fees to the agency, which will then evaluate the company on the basis of the environmental compliance history of it, its principals, and its key employees. Firms will be required to renew their certification every five years.

In addition, each remodeling project covered under the rule must have a certified renovator assigned to it. Individuals wishing to become certified renovators must enroll in a class accredited by the EPA. At a minimum, classes must be eight hours long and feature two hours of hands-on training. Individuals with previous EPA or Department of