



The New RRP Rule

Who, What, Where, When, and Why

Presented by:

Richard A. Baker



Baker Environmental Consulting, Inc.

(913) 541-0220

PbMan@bakerenvironmental.com

www.bakerenvironmental.com



WHO??

- All persons working in Target (pre-1978) Housing and Child-Occupied facilities when they will disturb at least 6 square feet of area (some states are using 2 sq. ft.);
 - * *Painters, HVAC Installers, Carpenters, Roofers, Carpet Installers, Plumbers, Maintenance Staff, Repairmen, Electricians, Flooring Installers, Window/Door Installers, Renovators, etc.*



WHAT??

- The Renovation, Repair and Painting (RRP) Rule was put into effect by EPA to reduce the incidence and prevalence of lead poisoning in the United States.



WHERE??

- This effects all Contractors working in every City, Town, Community, and Village in All 50 states, as well as all US Protectorates.



WHEN??

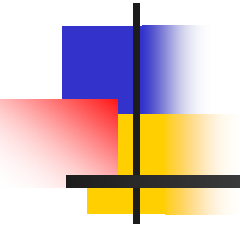
- Effective Nationwide on April 22, 2010
- Several States have promised earlier timeframes
- Contractors can start applying to EPA for Certification effective October 22, 2009.



WHY??

- Up to 45% of cases of lead poisoning have been found to be related to residential rehabilitation/renovation.
- Lead Poisoning is so easily preventable during rehabilitation/renovation.
- People are not aware of the use of lead-safe work practices (LSWP).

EPA's New Renovation, Repair and Painting (RRP) Final Rule





Rule Summary:

- EPA has issued a final rule under the authority of § 402(c)(3) of the Toxic Substances Control Act (TSCA) to address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in “target housing” and “child-occupied facilities.”
 - For more information:
<http://www.epa.gov/lead/pubs/renovation.htm>



Rule Scope

- Covers renovation, repair and painting activities that disturb lead-based paint in:
 - Target housing, which is housing constructed before 1978 except:
 - housing for the elderly
 - Housing for persons with disabilities; or
 - any 0-bedroom dwelling(unless any child who is less than 6 years of age resides or is expected to reside in any such housing).
 - Child-occupied facilities
 - Includes kindergartens and child care centers



Rule Scope

- Under this rule, a child-occupied facility is a building, or a portion of a building:
 - Constructed prior to 1978 and
 - Visited regularly by the same child, under 6 years of age on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.
 - Child-occupied facilities may be located in public or commercial buildings or in target housing.



Rule Scope

Excludes:

- Renovations that affect only components that have been determined to be free of lead-based paint.
- Minor repair and maintenance:
 - Six square feet or less interior, less than 20' exterior.

Opt-out provision:

- Homeowners may choose to opt out of the rule's requirements if they occupy the housing to be renovated, the housing is not a child-occupied facility, and no child under age 6 or pregnant woman resides there.



Pre-Renovation Education

- Final RRP rule adds Pre-renovation Education requirements for child-occupied facilities.
- When renovating a child-occupied facility, renovation firms must:
 - Provide a copy of the Renovate Right pamphlet to the building owner and an adult representative of the child-occupied facility, if different.
 - Deliver general information about the renovation to parents and guardians of children under age 6 using the facility by mail, hand-delivery or by posting informational signs while the renovation is ongoing.
 - Signage requirements similar to those for common area renovations.



Training and Certification Requirements

- Renovations must be performed by certified renovation firms using certified renovators.
- To become certified, renovation firms must submit an application to EPA and pay a fee.
- Firm re-certification is required.



Training and Certification Requirements

- To become certified, “Renovators” must take an 8-hour accredited training course:
 - “**renovators**” —individuals who perform and direct any type of renovation activities
- Refresher training is required every 5 years (many states will use a 1 or 2 year refresher requirement).



Work Practice Requirements

- **Work practice** requirements that must be followed for every covered renovation in target housing and child-occupied facilities.
 - warning signs and work area containment
 - the restriction or prohibition of certain practices (e.g., high heat gun, torch, power sanding, power planing, dry sanding/scraping, uncontained abrasive blasting, uncontained water blasting, etc.)
 - Proper waste handling
 - Proper cleaning and cleaning verification(Clearance).



Recordkeeping Requirements

- Recordkeeping: All documents must be retained for 3 years following the completion of a renovation.
- Enforcement:
 - EPA may conduct inspections and issue subpoenas pursuant to the provisions of TSCA § 11 (15 U.S.C. 2610)
 - EPA may suspend, revoke, or modify a firm's or individual's certification for non-compliance.
 - Non-compliant contractors may be liable for civil and/or criminal penalties involving fines and/or imprisonment.



State and Tribal Programs

- Beginning June of 2008, States, Territories, and Tribes may begin to apply for authorization to administer their own renovation, repair and painting programs in lieu of the Federal regulation.



Outreach to Non-regulated Parties

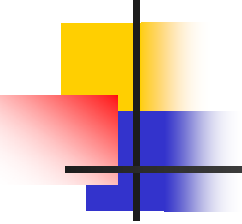
- EPA intends to conduct an outreach and education campaign designed to encourage homeowners and other building owners to follow lead-safe work practices while performing renovations or hire a certified renovation firm to do so.



RRP Compliance Guide

- EPA has posted a new document intended to help small businesses comply with the new Lead-based Paint Renovation, Repair and Painting Program requirements (40 CFR 745, Subpart E), issued April 22, 2008 (73 FR 21692).

www.epa.gov/lead/pubs/sbcomplianceguide.pdf



The guide, *Small Entity Compliance Guide to Renovate Right: EPA's Lead-Based Paint Renovation, Repair and Painting Program*, is for contractors, painters, property managers, maintenance personnel, and other professionals that disturb painted surfaces while working in homes and child-occupied facilities, such as child care centers and schools, built before 1978. **This document is published by the EPA as the official compliance guide for small entities, pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).**



RRP Lawsuits

3 petitions (apparently to be heard as one case) have been filed in the DC Court of Appeals challenging the RRP Rule:

- National Assn. of Home Builders
- NYC Coalition to End Lead Poisoning
- Sierra Club, Ctr. For Env. Health



LSWP STUDIES

- Studies in Illinois, Michigan, Kansas found that Contractors knew very little, if anything, about LSWP.
- Some Contractors were resistant to LSWP.
- Most Contractors had absolutely no idea of the hazards they created in people's homes and how much lead they brought home with them.
- As the use of LSWP work progressed, LSWP became second-nature to most Contractors.



LSWP COSTS

Some entities suggest that LSWP will increase job costs by only about \$75.00.

Anecdotal data (but probably more accurate) indicates that initially, job costs increase by 10% -15%, but after the “learning curve period” is complete, job costs increase by only about 5% - 7%.



For More Information, Contact:

Baker Environmental Consulting, Inc.

7941 Westgate

Lenexa, KS 66215

PbMan@bakerenvironmental.com or ThePbMan@hotmail.com

www.bakerenvironmental.com

VOICE: (913) 541-0220