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LEAD PAINT REGULATION REQUIREMENTS START DECEMBER 2008 [Normal View](#)

Remodelers are now required to distribute the new U.S. Environmental Protection Agency (EPA) lead paint pamphlet, *Renovate Right*, to homeowners for educating them about the new lead paint regulations when remodeling any pre-1978 homes and child-occupied facilities. *Renovate Right* replaces the previous EPA pamphlet entitled *Protect Your Family from Lead in Your Home*. The new pamphlet can be downloaded from the EPA website at www.EPA.gov/lead or by calling 1-800-424-LEAD (5323).

The EPA's Lead: Renovation, Repair and Painting Rule addresses remodeling and renovation projects disturbing more than six square feet of painted surfaces in a room for interior projects or more than twenty square feet of painted surfaces for exterior projects in housing, child care facilities, and schools built before 1978. Though the rule does not become fully effective until April 2010, there are things remodelers will need to do before that date to be in compliance with the rule.

Regulation Timeline

- December 2008 – Remodelers must start distributing the new EPA pamphlet *Renovate Right* when working in pre-1978 houses.
- April 2009 – Training providers may begin applying for accreditation. Once training providers are accredited, they may offer training courses that will allow renovators to become certified
- October 2009 – Renovation firms may begin applying to EPA for certification.
- April 2010 – New rule becomes fully effective. Work practices must be followed.

NAHB Remodelers Seminars

NAHB Remodelers conducted two seminars at the Remodeling Show in Baltimore in early September and an audio seminar with more than 200 attendees in late October. The seminars provided an overview of the regulation, including a timeline of the rule, the scope of the rule, what activities are affected, the training requirements, the firm's responsibilities and Certified Renovator's responsibilities.

The seminars generated many questions and much discussion. About 85% of the attendees indicated they plan to become certified. This hour-long audio seminar with downloadable visuals is available for purchase on www.nahb.org/education under Audio Seminars & Webinars.

Summary of the Rule

Review the points below for a quick summary of the new EPA lead paint rule.

1. Training and Certification

Beginning in April 2010, firms working in pre-1978 homes will need to be certified. Along with the firm certification, an employee will also need to be certified as a Certified Renovator. This employee will be responsible for training other employees and overseeing work practices and cleaning. The training curriculum, which is currently under development by the EPA, will be an

certifications are valid for five years. A Certified Renovator must take a four-hour refresher course to be recertified.

2. Work Practices

Once work starts on a pre-1978 renovation, the Certified Renovator has a number of responsibilities. Before the work starts this person will post warning signs outside the work area and supervise setting up containment to prevent spreading dust. The rule lists specific containment procedures for both interior and exterior projects. It forbids certain work practices including open flame or torch burning, use of a heat gun that exceeds 1100°F, and high-speed sanding and grinding unless the tool is equipped with a HEPA exhaust control. Once the work is completed, the regulation specifies cleaning and waste disposal procedures. Clean up procedures must be supervised by a certified renovator.

3. Verification and Record Keeping

After clean up is complete the certified renovator must verify the cleaning by matching a cleaning cloth with an EPA verification card. If the cloth appears dirtier or darker than the card the cleaning must be repeated.

A complete file of records on the project must be kept by the certified renovator for three years. These records include, but aren't limited to: verification of owner/occupant receipt of the *Renovate Right* pamphlet or attempt to inform, documentation of work practices, Certified Renovator certification, and proof of worker training. NAHB believes that record keeping will be a major enforcement tool for the regulation.

4. Exemptions

It is important to note that these work practices may be waived under these conditions:

- The home or child occupied facility was built after 1978.
- The repairs are minor, with interior work disturbing less than six square feet or exteriors disturbing less than 20 square feet being exempt.
- The homeowner may also opt out by signing a waiver if there are no children under age six frequently visiting the property, no one in the home is pregnant, or the property is not a child-occupied facility.
- If the house or components test lead free by a Certified Risk Assessor, Lead Inspector or Certified Renovator

NAHB Action on the Rule

NAHB has filed a petition challenging the new lead paint rule because of concerns about the rule's overreach and the training and timing requirements of the rule. Other organizations, including the Sierra Club, the Center for Environmental Health and the New York City Coalition to End Lead Poisoning, have also filed suit challenging the rule for being too lax. In the view of one or more of these organizations the rule improperly exempts some owner-occupied housing. All of the parties including NAHB have begun preliminary discussions that could resolve some of the issues that would otherwise be raised in court. It is important to note that these suits will not delay the implementation of the rule.

For more information about this item, please contact Kelly Mack at 800-368-5242 x8451 or via e-mail at kmack@nahb.com.