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## CONTRACTORS/SUBCONTRACTORS

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# The EPA's Lead-based Paint Renovation, Repair And Painting Program: Are you compliant?

**C**ontractors take notice. On April 22, 2010, certain provisions of the U.S. Environmental Protection Agency's (EPA) Lead-Based Paint Renovation, Repair and Painting Program, 45 CFR 745.80, et seq., (RRP Program) went into effect, and such provisions have a significant impact on those contractors who perform renovation, repair or painting services in a home or child-occupied facility, including schools and day-care centers, built before 1978. According to the EPA, failure to comply with the RRP Program constitutes a violation of federal law and the potential for penalties of up to \$32,500 per violation, per day.

The RRP Program applies to any individual or construction company who receives compensation for performing renovation services in target housing and child-occupied facilities (Renovation Firm). The RRP Program defines "Renovation" as the modification of an existing structure that results in the disturbance of painted surfaces, and includes such activities as the removal or repair of painted surfaces, surface preparation, removal of building components, window replacement, and weatherization. The performance of minor repair or maintenance activities, including minor HVAC, electrical and plumbing work, that disturbs less than six square feet of paint in an interior room or less than twenty square feet of paint on the exterior are not subject to the RRP Program.

As of April 22, 2010, prior



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to performing any Renovation work in target housing or child-occupied facilities, all Renovation Firms must be certified by the EPA. Additionally, all individuals performing Renovation services must either (1) be a Certified Renovator, which requires successful completion of an eight hour EPA-accredited renovator training course, or (2) have received on-the-job training by a Certified Renovator. At least one Certified Renovator must be assigned to each project on which Renovation activities are performed, as the Certified Renovator is responsible for ensuring overall compliance with the RRP Program.

No more than sixty days prior to commencing Renovation activities in target housing or a child-occupied facility, the Renovation Firm must distribute the Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools pamphlet, which is available on the EPA's website ([www.epa.gov/lead/pubs/renovaterightbro-](http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf)

[chure.pdf](http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf)). Moreover, the Renovation Firm must post signs on the project site that clearly define the work area, and such signs must remain posted until the Renovation activities and post-Renovation cleaning have been completed. Most importantly, precautionary steps must be taken to ensure that no dust or debris will leave the work area during the Renovation activities.

Upon completion of Renovation activities, the Renovation Firm must clean the work area so that no dust, debris or residue remains, and the Certified Renovator must perform a visual inspection of the work area. In addition, the EPA requires that a Renovation Firm maintain all records necessary to demonstrate compliance with the RRP Program for three years following the completion of any Renovation activity.

While the necessity of the RRP Program is clear, the underlying implications and burdens on construction companies and individuals performing Renovation activities are not. This article merely highlights some of the key provisions of the RRP Program and is not intended to be a full and complete review of the RRP Program. For more information about the RRP Program and its implications on your business, please contact Lori Wisniewski Azzara, Esq.

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