



# WHITE PAPER

National Multi Housing Council • Suite 540 • 1850 M Street, NW • Washington, DC 20036 • (202) 974-2300 • Fax (202) 775-0112 • [www.nmhc.org](http://www.nmhc.org)

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**Key Contact:**

Eileen C. Lee, Ph.D.  
VP, Energy and Environment  
[elee@nmhc.org](mailto:elee@nmhc.org)

**Other NMHC Staff Contacts:**

Douglas M. Bibby  
President  
[dbibby@nmhc.org](mailto:dbibby@nmhc.org)

James N. Arbury  
Senior VP of Government Affairs  
[jarbury@nmhc.org](mailto:jarbury@nmhc.org)

Betsy Feigin Befus  
VP, Employment Policy and  
Counsel  
[bbefus@nmhc.org](mailto:bbefus@nmhc.org)

Matthew Berger  
VP, Tax  
[igray@nmhc.org](mailto:igray@nmhc.org)

Lisa E. Blackwell  
VP, Housing Policy  
[lblackwell@nmhc.org](mailto:lblackwell@nmhc.org)

David Cardwell  
VP, Capital Markets and Technology  
[dcardwell@nmhc.org](mailto:dcardwell@nmhc.org)

Jeanne McGlynn Delgado  
VP, Business and Risk Management  
Policy  
[idelgado@nmhc.org](mailto:idelgado@nmhc.org)

Kimberly D. Duty  
VP, Communications  
[kduty@nmhc.org](mailto:kduty@nmhc.org)

Ronald G. Nickson  
VP, Building Codes  
[rnickson@nmhc.org](mailto:rnickson@nmhc.org)

Mark H. Obrinsky, Ph.D.  
VP, Research and Chief Economist  
[mobrinsky@nmhc.org](mailto:mobrinsky@nmhc.org)

## COMPLYING WITH FEDERAL LEAD-BASED PAINT RENOVATION, REPAIR AND PAINTING (RRP) REGULATIONS FOR PRE-1978 PROPERTIES

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- As of April 2010, owners of market-rate properties built before 1978 will have to comply with EPA lead safety regulations that govern common renovation and repair activities. (Age-restricted properties with no children occupying them and properties that have been certified to be free of lead-based paint by a state inspector are exempt from the RRP regulations.)
- Under the regulations, if renovation or repair work undertaken on a covered property disturbs more than six square feet of surface area for interior work or 20 square feet for exterior work, the work must be carried out by a trained and certified renovator.
- In addition, residents must be notified and provided with a copy of an EPA pamphlet, *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*. (This is a different pamphlet than the EPA's *Protect Your Family* pamphlet that owners are required to provide to residents at the time of lease signing.) There are also recordkeeping requirements imposed on owners or the third-party contractors they hire to undertake work covered by the regulations.
- Importantly, the RRP rules expand existing Lead Safe Housing (LSH) rules that has imposed comparable—but not identical—compliance obligations on pre-1978 properties that receive federal assistance, including Section 8 vouchers. Under the RRP rules, federally assisted properties must comply with the more stringent elements of both the LSH and RRP regulations.
- This White Paper outlines property owners' compliance obligations and clarifies important issues for federally assisted properties that must comply with both the RRP and LSH rules. It also outlines a number of unanswered questions posed to the regulatory agencies by NMHC. And it addresses a legal settlement between EPA and a group of advocacy organizations led by the Sierra Club that will affect implementation of the rule.

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## About the National Multi Housing Council

For more than 30 years, the National Multi Housing Council (NMHC) has provided strategic leadership to the apartment industry. Through its highly effective government affairs program, its business guidance and research reports, and its sought-after industry meetings, NMHC has developed a reputation as the apartment executive's best ally.

Based in Washington, DC, NMHC represents the largest and most prominent firms in the apartment industry, including owners, developers, managers, lenders and brokers. The Council benefits from a focused agenda and a membership that includes the principal officers of the most distinguished real estate organizations in the United States. NMHC serves as the apartment industry's primary advocate on legislative and regulatory matters, such as housing policy, finance, tax, technology, property management, environmental issues and building codes.

In addition to providing leadership on public policy issues, NMHC is acknowledged as the preeminent source of apartment-related information. The Council is committed to expanding the scope of industry research by conducting and sponsoring research on such critical issues as apartment market conditions, resident demographics, owning versus renting, industry structure and the impact of policy on market supply and demand. For more information on joining NMHC, contact the Council at 202/974-2300 or visit [www.nmhc.org](http://www.nmhc.org).

*The information discussed in this White Paper is general in nature and is not intended to be legal advice. It is intended to assist owners and managers in understanding this issue area, but it may not apply to the specific fact circumstances or business situations of all owners and managers. For specific legal advice, consult your attorney.*

## THE RENOVATION, REPAIR AND PAINTING REGULATION UPDATED JUNE 25, 2010

**Summary:** The lead-based paint Renovation, Repair and Painting regulation<sup>1</sup> (RRP) applies to residential and child-occupied properties built before 1978 that have not been certified as free of lead-based paint. Under the regulation, **as of April 22, 2010**, work performed on such properties that disturbs lead-coated surfaces must be performed by certified renovators. It also requires property owners to provide residents with the EPA pamphlet, [Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools](#),<sup>2</sup> Importantly, these regulations apply to all covered properties, not just properties receiving federal assistance.

**Background:** On March 31, 2008, the U.S. Environmental Protection Agency (EPA) issued the final regulation under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (40 CFR 745.80 to 745.91; known as Title X). Title X aims to protect the health of children by eliminating lead hazards in housing, and it focused on public education and training as a way to accomplish this goal.

The law requires the elimination of lead hazards and specifically distinguishes lead hazard repair as distinct from abatement. Intact lead-based paint is not considered a lead hazard. Aspects of Title X are within the jurisdiction of several federal agencies including the EPA, the Department of Housing and Urban Development (HUD), the Occupational Safety and Health Administration (OSHA) and the Consumer Product Safety Commission (CPSC).

Any residential or child-occupied facility that has not been determined to be free of lead by a state-certified inspector using the protocol detailed in 40 CFR Part 745.227 (after March 2000) or Chapter 7 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing<sup>3</sup> (prior to March 2000) is subject to the provisions of Title X.

The RRP rule establishes requirements for the lead-safe activities on market-rate properties that differ from the requirements imposed on properties that accept federal assistance, including properties that accept Section 8 vouchers. EPA continues to revise the requirements of the rule. Effective July 6, 2010, there are expanded recordkeeping and reporting requirements. The amendment (75 FR 24802) is available at <http://bit.ly/cyZdxr>.

In addition to the RRP requirements, all properties (market-rate and affordable) are still required to comply with federal regulations requiring the disclosure of any known lead-based paint or lead hazards at time of a leasing or sale transaction.

### LEGAL SETTLEMENT AFFECTS RRP IMPLEMENTATION

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UPDATE: On August 26, 2009, EPA settled a lawsuit brought against it by the Sierra Club and others concerning its RRP Regulations. Among other things, the advocacy groups strongly opposed the fact that the regulations allow work areas to be cleaned to meet a “white glove test” rather than relying on lab analysis of dust wipes to assure that a work area was left lead hazard-free.

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<sup>1</sup> The final regulation is available at [www.nmhc.org/Content/ServeFile.cfm?FileID=1110](http://www.nmhc.org/Content/ServeFile.cfm?FileID=1110).

<sup>2</sup> Available at [www.epa.gov/lead/pubs/renovaterightbrochure.pdf](http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf). This publication replaces the *Protect Your Family From Lead in Your Home* brochure that was previously required to be provided at the time of repair and is still required to be provided to residents at time of the lease transaction.

<sup>3</sup> Found at [www.hud.gov/offices/lead/lbp/hudguidelines/Ch07.pdf](http://www.hud.gov/offices/lead/lbp/hudguidelines/Ch07.pdf).

Under the settlement agreement, EPA will now reconsider its regulations and will issue a series of rule-makings. The rulemakings will seek comments on how such work should be conducted, how work areas should be cleaned and tested and how residents will be notified.

In response to questions from NMHC on how the settlement agreement will impact the implementation of the RRP, EPA stated in a September 2, 2009 letter:

*"We are not currently planning to extend the April 2010 effective date for firm and renovator certification and lead-safe work practices. EPA believes that it is important for the certification, training and work practice requirements to take effect as soon as possible. As we propose changes in the requirements for cleaning verification, dust testing, and clearance, we will also have to consider how best to update certified renovation firms and certified renovators with any changes in the requirements. Although we cannot predict the outcome of these regulatory amendments, we probably would not favor a requirement for persons who have already taken a renovator course accredited under the RRP rule to take additional training."*

As part of the settlement, on October 28, 2009, the EPA issued a proposed rule that would require third-party renovators to provide apartment residents and the building owner with a copy of records demonstrating compliance with the rule's training and work practice requirements. It also proposes to reduce the hours of training required to become a certified trainer from 16 to eight hours. The proposed rule is available at <http://tiny.cc/ekV04>.

In a second matter related to the settlement, on October 6, 2009, the EPA published a notice that the Agency had been petitioned by a coalition of organizations to lower the trigger for complying with lead-based paint regulations and modifying the definition of lead-based paint to be paint that has 600 parts per million (ppm) of lead, instead of the 5,000 ppm used now.

NMHC/NAA and the National Leased Housing Association filed comments objecting to a revised definition, noting that the change was of unproven public health value and would result in significant expense to apartment providers. It would also invalidate the hundreds of millions of dollars worth of testing that has been performed in multifamily properties based on the current definition. On October 22, the EPA issued a statement granting a review of the points the petitioners raised, including the possibility of extending the lead hazard standards to public and commercial buildings. The EPA's response can be found at <http://tiny.cc/ZiZxd>. NMHC will continue to work with EPA as these rules are developed. In the meantime, the following guidance is our best available information.

## **WHAT DOES THE RRP APPLY TO?**

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The RRP rule applies to activities that are done for compensation; maintenance activities on multifamily properties fall into this category. Under the RRP rule, pre-1978 properties will be required to use certified workers anytime work is likely to disturb six (6) square feet or more of lead-coated surface (i.e., paint, stain, shellac and varnish) unless:

- (1) the property has been found to be free of lead by the means discussed above; or
- (2) the specific surface has been tested and it has been found to be free of lead.<sup>4</sup>

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<sup>4</sup> As noted above, Chapter 7 of the HUD Guidelines is the definitive method for testing property; however, there are other protocols that are considered acceptable for compliance with this specific regulation. For example, results of Phase 1 environmental assessments, chemical spot tests, paint chip and XRF analysis are acceptable methods of determining whether this rule applies to a specific project on a target property. These reports are not suf-

These exceptions apply only to the RRP rule and will not exempt property from other requirements under Title X.

## **WHICH ACTIVITIES TRIGGER THE RRP RULE?**

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Activities which disrupt six (6) square feet or more of painted surface per room inside a building or 20 square feet or more of painted surface of exterior building surfaces are defined as renovations.

**NOTE:** This is a different definition of disruption than has been previously employed by EPA. Until the publication of this rule, both EPA and HUD agreed on the definition of disturbance as any activity that disturbed more than two (2) square feet of paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or 10 percent of the surface area of interior or exterior components with small surface areas (window sills, baseboards, soffits, trim) and involving more than 20 square feet of paint on exterior components with large surface areas. HUD still observes these more conservative surface area limitations for renovations activities on federally assisted properties (see "Does the RRP Rule Apply to Federally Assisted Properties?" on page 6).

The term "renovation" includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity such as sanding, scraping, or other such activities that may generate paint dust; the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces.

A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. Any activity that is performed as part of an abatement project (i.e., the permanent elimination of lead-based paint) is covered by a different set of rules since it is, by definition, not performed in occupied housing.

Minor repair and maintenance activities are activities that do not meet the area test described above and may include "minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt six (6) square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by Section 745.85(a)(3) are used, and where the work does not involve window replacement or demolition of painted surface areas."

"When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity."

## **WHAT IS REQUIRED OF APARTMENT OWNERS/MANAGERS?**

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If you choose to have your on-site staff perform the activities described above that trigger the rule, you must use appropriately trained workers, observe specific work practices and keep the necessary records.

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efficient, though, for the purposes of determining overall compliance with the requirements of Title X. EPA will post a list of acceptable spot test kits before the rule is fully implemented in April 2010.

- **Worker Training**

“Beginning on April 22, 2010, all renovations in target housing or child-occupied facilities must be directed by certified renovators, certified and performed by certified renovators or trained individuals (working under the supervision of a certified renovator), unless the renovations qualify for one of the exceptions identified in accordance with Section 745.90(a), Section 745.82(a) or (c).”

**Update: On June 18, 2010, recognizing the difficulty firms have had obtaining the required training and certification, the EPA issued a memo (<http://bit.ly/d4spmK>) extending the deadline for workers to sign up for training classes to September 30, 2010. Training must be completed by December 31, 2010. In a March 19, 2010 letter to the EPA, NMHC/NAA had urged for a delay in enforcement and an extension of the compliance assistance period, citing issues with the required training material among other things.**

**Firms should be aware that EPA specifically says they are *not* delaying enforcement actions for those found to be in non-compliance with the work practice provisions. According to the Agency, it "will continue to enforce the work practice requirements in the rule which protect children and reduce lead exposure." (See Appendix 3.)**

*Will all maintenance staff be required to be trained?*

It depends on the firm’s use of maintenance personnel as well as whether or not the property receives federal assistance. The RRP rule requires that renovation activities (see "Which Activities Trigger the RRP Rule?" on page 2) be performed by workers who have received at least one day of training in an EPA-approved training course and who are subsequently certified. **Maintenance staff working under the supervision of a certified renovator who provides on-the-job training may engage in renovation activities.**

EPA is in the process of certifying trainers to provide these courses based on EPA-approved curricula for workers. EPA has stated that any worker certified prior to April 22, 2009 will have a full five years of certification beginning on April 22, 2009, the effective date of the rule.

The National Apartment Association Education Institute (NAAEI) will offer the EPA/HUD-approved training course for apartment maintenance technicians nationwide through CON-NOR.<sup>5</sup> In order to maintain their status as certified renovators, workers are required to take a 4-hour refresher training course every five years.

- **Firm Certification**

Property owners and/or third party property management firms will, for the first time (excluding some local state rules), become “accredited.” EPA will require property owners and/or third party property management firms of affected properties to complete an application and pay a \$300 fee to become “accredited.” This accreditation will be renewed every five years. Failure to do so may result in a fine of up to \$32,500. Firms may start to apply to EPA after October 22, 2009. All affected firms must be accredited by April 22, 2010. *The EPA review process may take up to 180 days, so firms are encouraged to submit early.*

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<sup>5</sup> Information on these courses is available at [www.connorsolutions.com](http://www.connorsolutions.com).

**Update: The June 18, 2010 EPA memo (<http://bit.ly/d4spmK>) also says that they will not take enforcement actions for violations of the firm certification requirement until October 1, 2010. Importantly, the work practices rules remain in effect. (See Appendix 3.)**

- **Special Work Practices**

“Beginning on April 22, 2010, all renovations must be performed in accordance with the work practice standards in Section 745.85 and the associated recordkeeping requirements in Section 745.86(b)(6) and (b)(7) in target housing or child-occupied facilities, unless the renovations qualify for one of the exceptions identified in accordance with Section 745.82(a) or (c).”

To assist property owners in complying with these regulations, EPA has prepared guidance information, **Steps to LEAD SAFE Renovation, Repair and Painting**.<sup>6</sup> Lead safe practices are demonstrated and practiced in the one-day training course required for workers. Topics included are: set-up of work area with temporary barriers to prevent spread of dust; worker use of personal protective equipment; and cleanup verification using disposable cleaning cloths (electrostatic cleaning cloths such as Swiffers).

Under the RRP, the following practices are banned:

- Open flame burning or torching;
- Sanding, grinding, planing, needle gunning or blasting with power tools unless equipped with a shroud and HEPA vacuum attachment; and
- Using a heat gun at temperatures great than 1100 degrees Fahrenheit.

- **Clean Up and Verification**

Once the job has been completed and the plastic barriers have been removed and prepared for disposal, a HEPA vacuum must be used on all surfaces in the Work Area, including walls, before the Work Area is washed with a general purpose cleaner.

Once “cleaned,” the Work Area is eligible for Cleaning Verification. This process involves wiping horizontal surfaces with a moist cleaning cloth (i.e., a wet Swiffer) and comparing it to the EPA Cleaning Verification card. The wet cleaning cloth from the Work Area must be “cleaner” than the “EPA Failing Cleaning Cloth” baseline picture to “Pass.” If the Work Area cloth is “dirty,” then the Work Area fails.

If the cleaning cloth fails, workers must re-clean the area and conduct another moist cleaning cloth review. If the second review is a “Pass,” the property is in compliance. If it fails, however, workers must re-clean the Work Area, wait one hour or until it is dry—whichever is longer—and then wipe the Work Area with a **dry** cleaning cloth. Regardless of color or dirt level, EPA now considers the Work Area to be clean.<sup>7</sup>

**NOTE:** There are many electrostatic cleaning cloths like Swiffer on the market. EPA has not specified a particular brand of cloth. It states only that evidence of compliance with this rule depends on matching the color of the used cloth to a white card provided by EPA.

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<sup>6</sup> Available at [www.epa.gov/lead/pubs/steps.pdf](http://www.epa.gov/lead/pubs/steps.pdf).

<sup>7</sup> Cleaning verification cards are available through the National Lead Information Center at 1-800-424-LEAD (5323).

Effective July 6, 2010, if a renovation firm or property maintenance staff elect to use a laboratory analysis of dust wipes (i.e., dust clearance testing) instead of using the simple "Swiffer" cleaning verification test, then the lab test results must be provided to both the occupant of the unit that was tested and the owner of the building. Property owners must maintain these reports since they are required to be disclosed to future occupants of the specific unit and/or at time of sale of the property. With respect to renovations in common areas, EPA is also requiring property owners to make these records made available to residents "of the affected housing units" by providing individual notices or posted signs on how to review or obtain copies. (See Lead Disclosure Rule, 40 CFR part 745, subpart F.)

- **Recordkeeping and Reporting Requirements**

Title X has several recordkeeping requirements separate from the RRP rule. Since 1996, owners and managers have been required to keep paperwork indicating that they disclosed any lead-based paint or lead hazards at time of lease signing or sale (Section 1018). Since 1999, they have had to keep paperwork indicating that such disclosures were also done when repairs were undertaken (Section 406b). Properties that receive federal assistance have additional requirements (see "What Is Required on Federally Assisted Properties?" on page 7).

In general, the RRP rule requires that records (paint testing/environmental assessment reports, information on who performed the work, notification provided to residents, details about how the work was conducted and results of the cleaning verification) must be kept by the renovation firm for at least three (3) years from the date of completion of the renovation activity.

Renovation firms (including property maintenance staff) are also required to provide owners and the occupants of a building being renovated with a copy of records demonstrating compliance with the RRP training and work practice requirements (including the results of cleaning verification and dust wipe testing, if performed). This information must be delivered along with the final invoice for the renovation, or within 30 days of the completion of the renovation, whichever is earlier.

This notification can be accomplished with EPA's "Sample Renovation Recordkeeping Checklist" (Appendix 2; also available at [www.epa.gov/lead/pubs/samplechecklist.pdf](http://www.epa.gov/lead/pubs/samplechecklist.pdf)). Firms may also develop their own forms or checklists as long as they include all of the required information.

For common area renovations, the renovation firm (or property maintenance staff) must provide the residents "of the affected housing units" with instructions on how to review or obtain this information from the renovation firm at no charge. These instructions must be included in the notice provided to each affected unit under 40 CFR 45.84(b)(2)(i) or on signs posted in the common areas under 40 CFR 745.84(b)(2)(ii). EPA further stipulates that this "information should be provided in a short, easily read checklist or other form."

If the specific "renovation" event was performed on an emergency basis (as defined in Section 745.82) and the renovation firm was unable to comply with all of the requirements of this rule due to an emergency, the firm must document the nature of the emergency and the provisions of the rule that were not followed. Worksite cleanup and cleaning verification are still required in the case of an emergency.



- **Penalties**

Under the RRP rule, firms performing renovations must retain all records necessary to demonstrate compliance for a period of three (3) years after completion of the renovation. For work performed by on-site staff, the record keeping responsibility is with the certified renovator and the owner/property manager (see "Duties of a Certified Renovator" on page 5).

Failure to comply with the RRP, including the preparation and retention of properly executed documents, can result in substantial fines of up to \$32,500 per required item, per day, for each business day for three (3) years from the date of the original violation.<sup>8</sup> EPA and HUD have an ongoing compliance assurance program and work with the Department of Justice to vigorously pursue cases against properties that are non-compliant with the requirements of Title X.

## **DUTIES OF A CERTIFIED RENOVATOR**

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- Perform work and direct lead-safe work practices.
- Provide on-the-job training to non-certified workers.
- Keep a copy of the initial and/or refresher training certificates on-site.
- Use EPA-recognized test kits to identify lead-based paint.
- Be physically present while posting signs, containing work areas and cleaning work areas.
- Be available by telephone when off-site.
- Maintain the containment to keep dust and debris within the work area.
- Implement the cleaning verification procedure.
- Prepare and maintain required records.

## **IS THERE A COMPLIANCE ALTERNATIVE?**

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Compliance is the responsibility of the firm that completes the work. Therefore, if property owners choose to use third-party contractors to perform these jobs, the responsibility for complying with the rule falls to the contractor.

Firms that do use third-party contractors should consider including language in their contracts indicating that the contractor is required to perform the work such that it complies with all applicable federal, state and local regulations. Firms are not required to supervise their third-party contractors, but any work that leaves behind lead hazards could create future problems for the firm. Therefore, it is prudent to hire reputable/knowledgeable firms.

Contractors who are familiar with the RRP rule will likely ask about lead testing reports. Remember that firms must have available copies of these reports to provide to residents at the time of lease signing, so this information should be available on-site. It is in a firm's best interest to share the relevant parts of these reports with contractors to inform them if (1) the property has been tested and found to be outside the scope of Title X or that (2) testing indicates that lead-based paint is present in specific areas. This latter information may be sufficient to exclude the specific activity from the scope of the RRP rule if the disrupted surface is not in the areas where lead-based paint has been

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<sup>8</sup> Under the Toxic Substances Control Act, EPA (or a state, if this program has been delegated to it) may file an enforcement action against violators seeking penalties of up to \$32,500 per violation, per day. The proposed penalty in a given case will depend on many factors, including the number, length and severity of the violations, the economic benefit obtained by the violator and its ability to pay.

detected. If the surface does fall under the scope of the rule, however, the contractor will be required to follow the RRP rule.

For example, if a property manager hires a contractor to perform plumbing work that requires destruction of walls that amount to greater than six square feet *in toto*, the contractor would be required to follow the RRP rule, including the recordkeeping requirements. In determining what compliance obligations they are subject to, the contractor can rely on any lead testing information supplied by the property owner/manager OR they can conduct their own chemical spot test on the components to be disturbed. Either way, the contractor must keep records documenting how this matter was handled.

If the job requires that the RRP rule be followed because more than six square feet of lead-coated area will be disturbed, then the contractor would be responsible for notifying residents if work was performed in occupied units. For work performed in common areas, general notifications and signage would be required. The plumbing contractor would have to use appropriately trained workers to handle the paint disruption portion of the work. The records would have to detail how the work was performed and how the clean up was performed and verified. The exception to this would be if the plumbing repair was conducted on an emergency basis as defined in Section 745.82. In that case, the plumbing contractor would be required to keep a record that documented the nature of the emergency and the provisions of the rule that were not followed. Cleanup and verification must be performed even in the case of an emergency repair.

#### **DOES THE RRP RULE APPLY TO FEDERALLY ASSISTED PROPERTIES?**

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In 1999, HUD promulgated regulations under Section 1012/1013 of Title X (known as the Lead Safe Housing rule; 24 CFR Part 35) which addressed how repair activities were to be conducted on properties that receive federal assistance, including properties that accept Section 8 vouchers. These regulations include training requirements for workers, testing requirements for properties and laboratory verification of clean up following jobs that disturb more than the *de minimis* areas of interior and exterior surfaces known, or presumed, to contain a surface coating containing lead. (See "NOTE" under "Which Activities Trigger the RRP Rule?" on page 2.)

Despite our industry concerns that disparate systems for market-rate and assisted properties would be largely unworkable and would cause considerable confusion for property management, EPA and HUD have forged a path that nevertheless creates different standards.

In response to our specific query regarding what standard should prevail on properties that accept vouchers, HUD said that those properties should familiarize themselves with both sets of regulations and select the more stringent option for application to renovation and repair activities in units (and the common areas that serve those units) that receive federal assistance.

Following our repeated requests that guidance to the regulated community be provided in written form, EPA and HUD provided information that can be accessed at <http://tinyurl.com/ca4ktb> and appears as Appendix 2 of this document.

Additional information on how the RRP rule will affect multifamily property owners and managers is available on an NMHC/NAA webinar held in November 2008. Members can download/listen to it at [www.nmhc.org/goto/4991](http://www.nmhc.org/goto/4991).

#### **WHAT IS REQUIRED ON FEDERALLY ASSISTED PROPERTIES?**

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HUD's position is that the Lead Safe Housing Rule is strengthened by the RRP rule to the extent that in the areas where EPA had more stringent requirements (for example, length of training class, requirement for worker certification, use of disposable personal protective gear of worker) owners/managers of assisted property must observe these "additional requirements."<sup>9</sup>

In the specific areas in which EPA has less restrictive terms (such as how presence of lead-based paint may be determined, what area size paint disturbance triggers the rule, how clean up is verified) HUD maintains that the more restrictive terms found in the Lead Safe Housing Rule must be applied.

The differences between the HUD and EPA regulations include:

- **Training:** All workers on federally assisted properties must be trained. Workers performing renovation activities must either become a certified renovator or work under the supervision of a certified renovator. Although EPA initially agreed to provide an online "refresher" course for workers who had been trained under the HUD course, these workers will now be required to attend the one-day EPA course, if they are to be considered as certified renovators for compliance with the RPP.
- **Worker Certification:** Workers on federally assisted properties will now need to be certified and follow EPA's requirements for periodic re-certification.
- **Area of Disturbance:** HUD will retain the definition of disturbance as being more than two (2) square feet of interior surface; two (2) square feet of paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or 10 percent of the surface area of interior or exterior components with small surface areas; and (window sills, baseboards, soffits, trim) and involving more than 20 square feet of paint on exterior components with large surface areas as the trigger for required use of lead safe work practices, notification to resident and the associated recordkeeping responsibilities.
- **Personal Protective Gear:** Prior to the RRP, workers on assisted property were not required to wear disposable uniforms when conducting these tasks.
- **Work Site Preparation:** Prior to the RRP, work site preparation was not as proscriptive in requiring disposable plastic cloths to extend 10 feet beyond the work area.
- **Prohibited Work Practices:** HUD has a more extensive list that bans heat guns, dry sanding (except near electric outlets) and chemical strippers.
- **Testing of Surfaces:** HUD will not permit the use of chemical spot test to identify lead-based paint on surfaces that are subject to the RRP rule.
- **Cleaning Verification:** HUD will not permit clearance verification to be determined by a method which employs an electrostatic (Swiffer) cloth. HUD will continue to require a dust wipe analysis that is conducted by a laboratory.

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<sup>9</sup> See Appendix 2 of this document. Also available at <http://tinyurl.com/ca4ktb>.

## QUESTIONS PENDING WITH FEDERAL AGENCIES

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The NMHC/NAA Joint Legislative Staff has sought specific guidance from EPA and HUD to assist our members in understanding what specifically is required by the new rule. We will continue to pursue answers to our questions regarding elements of the worker training course and use of personal protective gear.

A potentially more thorny issue has been raised in regard to a property resident's privacy based on HUD's assertion<sup>10</sup> that third-party contractors be given access to information related to the use of Section 8 vouchers on the property for the purpose of renovation activities that are likely to impact the units in which these residents live. HUD has dismissed these concerns, saying the breach of privacy occurs in service of providing a higher standard of care. We are waiting for further clarification and will post additional information received on this topic on our web site at [www.nmhc.org/goto/RRP](http://www.nmhc.org/goto/RRP).

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<sup>10</sup> Ibid at page 1.

## APPENDIX 1:

### EPA Sample Renovation Recordkeeping Checklist

**FUTURE SAMPLE RENOVATION RECORDKEEPING CHECKLIST**  
**(effective April 2010)**

Name of Firm: \_\_\_\_\_

Date and Location of Renovation: \_\_\_\_\_

Brief Description of Renovation: \_\_\_\_\_

Name of Assigned Renovator: \_\_\_\_\_

Name(s) of Trained Workers, if used: \_\_\_\_\_

Name of Dust Sampling Technician, Inspector, or Risk Assessor, if used: \_\_\_\_\_

- Copies of renovator and dust sampling technician qualifications (training certificates, certifications) on file.
- Certified renovator provided training to workers on (check all that apply):
  - Posting warning signs
  - Maintaining containment
  - Waste handling
  - Setting up plastic containment barriers
  - Avoiding spread of dust to adjacent areas
  - Post-renovation cleaning
- Test kits used by certified renovator to determine whether lead was present on components affected by renovation (identify kits used and describe sampling locations and results): \_\_\_\_\_  
\_\_\_\_\_
- Warning signs posted at entrance to work area.
- Work area contained to prevent spread of dust and debris
  - All objects in the work area removed or covered (interiors)
  - HVAC ducts in the work area closed and covered (interiors)
  - Windows in the work area closed (interiors)
  - Windows in and within 20 feet of the work area closed (exteriors)
  - Doors in the work area closed and sealed (interiors)
  - Doors in and within 20 feet of the work area closed and sealed (exteriors)
  - Doors that must be used in the work area covered to allow passage but prevent spread of dust
  - Floors in the work area covered with taped-down plastic (interiors)
  - Ground covered by plastic extending 10 feet from work area—plastic anchored to building and weighted down by heavy objects (exteriors)
  - If necessary, vertical containment installed to prevent migration of dust and debris to adjacent property (exteriors)
- Waste contained on-site and while being transported off-site
- Work site properly cleaned after renovation
  - All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal
  - Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)
- Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used): \_\_\_\_\_  
\_\_\_\_\_
- If dust clearance testing was performed instead, attach a copy of report.
- I certify under penalty of law that the above information is true and complete.

\_\_\_\_\_  
name and title

\_\_\_\_\_  
date

## APPENDIX 2:

### EPA Guidance for Federally Assisted Properties Required to Comply with RRP and Lead Safe Housing Regulations

## EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule

The U.S. Department of Housing and Urban Development's Lead Safe Housing Rule (HUD's LSHR, which is found in HUD's regulations at 24 CFR Part 35, Subparts B through M), generally applies to work performed in target housing units receiving HUD housing assistance, such as rehabilitation or acquisition assistance.

Under the LSHR, the program participant (governmental jurisdiction, non-profit, community organization or the property owner who accepts HUD funds) becomes responsible for compliance with the LSHR and is referred to as the designated party (or DP). Renovation firms may include, for example, for-profit contractors, non-profit organizations, or a designated party using its own employees for renovation. In the spirit of maintaining good customer relations, certified renovation firms should ask their client if:

- 1) The work involves lead hazard control (including abatement, interim control of lead hazards or ongoing lead-based paint maintenance); and
- 2) The housing receives financial assistance. If so, the renovator should ask the client to find out if the assistance is federal assistance.

Most clients would appreciate these questions so they may avoid violating HUD or EPA rules. See [www.hud.gov/offices/lead/enforcement/lshr.cfm](http://www.hud.gov/offices/lead/enforcement/lshr.cfm) for more information.

The information below and in the table explain the basic requirements of HUD's regulation for renovators who have not yet had experience with HUD-funded work. The term "rehabilitation" is used by HUD to describe residential renovation work. When HUD funds pay for this work, funding often flows from HUD through cities, states or other program participants, and addressing lead-based painted surfaces becomes a routine part of the job. HUD's specific requirements depend on the amount of Federal rehabilitation assistance the project is receiving:

- 1) Up to \$5,000 per unit: "Do no harm" approach. Lead safety requirements cover only the surfaces being disturbed. Program participants can either test these surfaces to determine if they contain lead-based paint or presume they contain lead-based paint. Work which disturbs painted surfaces known or presumed to contain lead-based paint is done using lead safe work practices, and clearance of the worksite is performed at the end of the job (unless it is a very small "de minimis" scale project) to ensure that no lead dust hazards remain in the work area. Training that meets the EPA's RRP Rule requirements is sufficient for this work.
- 2) Greater than \$5,000 and up to \$25,000 per unit: Identify and control lead hazards. Identify all lead hazards at the affected units and common areas servicing those units by performing a lead-based paint risk assessment. Control the hazards using interim controls. Participants may skip the risk assessment and presume that all potential lead hazards are present, and then must use standard treatments to address them. In addition to training that meets the EPA's RRP Rule requirements, HUD-approved interim control training (such as the HUD-EPA RRP curriculum) is required for renovators and workers.
- 3) Greater than \$25,000 per unit: Identify and abate lead hazards. Identify all lead hazards at the property by performing a risk assessment and then abate all the hazards. Participants may skip the risk assessment and presume that all potential lead hazards are present and abate them. This approach requires certified abatement contractors perform the abatement part of the job.



## EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule

These approaches also include all the basic HUD requirements describe in the slide presentations in Module 2. They clearly demonstrate the importance to the renovator of asking the client whether federal housing assistance is provided for the project.

The differences between HUD's LSHR and the Environmental Protection Agency's (EPA's) Renovation, Repair and Painting (RRP) regulation, part of EPA's regulations at 40 CFR Part 745, and the changes for HUD LSHR projects, are summarized in the following table and explained in the narrative after the table:

### Differences between HUD LSHR and EPA RRP regulations

Stage of Job	Requirement	HUD LSHR	EPA RRP	Changes to LSHR Projects to Comply with RRP.
Planning and Set-Up	Determination that lead-based paint (LBP) is present.	EPA-recognized test kits cannot be used to say paint is not LBP. Only a certified LBP inspector or risk assessor may determine whether LBP is present.	Certified renovators use an EPA-recognized test kit to determine if RRP rule applies or not.	None.
	Training	HUD does not certify renovators or firms. All workers and supervisors must complete a HUD-approved curriculum in lead safe work practices, except that non-certified renovation workers need only on-the-job training if they are supervised by a certified LBP abatement supervisor who is also a certified renovator.	EPA or EPA-authorized States certify renovation firms and accredit training providers that certify renovators. Only the certified renovator is required to have classroom training. Workers must receive on-the-job training from the certified renovator.	Renovation firms must be certified. At least one certified renovator must be at the job or available when work is being done. (The certified renovator may be a certified LBP abatement supervisor who has completed the 4-hour RRP refresher course.)

## EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule

Stage of Job	Requirement	HUD LSHR	EPA RRP	Changes to LSHR Projects to Comply with RRP.
	Pre-Renovation Education	HUD requires conformance with EPA regulations, including EPA's Pre-Renovation Education Rule. EPA had required renovators to hand out the EPA / HUD / CPSC <i>Protect Your Family from Lead in Your Home</i> (Lead Disclosure Rule) pamphlet.	Renovators must hand out the EPA / HUD <i>Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools</i> pamphlet. (This requirement went into effect on December 22, 2008.)	None.
During the Job	Treating LBP hazards	Depending on type and amount of HUD assistance, HUD requires that lead hazards be treated using "interim controls" or "ongoing lead-based paint maintenance."	EPA generally requires that renovations in target housing be performed using lead-safe work practices.	None.
	Prohibited Work Practices	HUD prohibits 6 work practices. These include EPA's 3 prohibited work practices plus: heat guns that char paint, dry scraping or sanding farther than 1 ft. of electrical outlets, and use of a volatile stripper in poorly ventilated space.	EPA prohibits 3 work practices (open flame burning or torching, heat guns above 1100 degrees F, machine removal without HEPA vacuum attachment).	None.

## EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule

Stage of Job	Requirement	HUD LSHR	EPA RRP	Changes to LSHR Projects to Comply with RRP.
	Threshold minimum amounts of interior paint disturbance which trigger lead activities.	HUD has a lower interior " <i>de minimis</i> " threshold (2 sq. ft. per room, or 10% of a small component type) than EPA for lead-safe work practices. HUD also uses this lower threshold for clearance and occupant notification.	EPA's interior threshold (6 sq. ft. per room) for minor repair and maintenance activities is higher than HUD's <i>de minimis</i> threshold.	None.
End of Job	Confirmatory Testing	HUD requires a clearance examination done by an independent party instead of the certified renovator's cleaning verification procedure.	EPA allows cleaning verification by the renovator or clearance examination. The cleaning verification does not involve sampling and laboratory analysis of the dust.	None.
	Notification to Occupants	HUD requires the designated party to distribute notices to occupants within 15 days after lead hazard evaluation and control activities in their unit (and common areas, if applicable).	EPA has no requirement to notify residents who are not the owners after the renovation.	None.

## **EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule**

### **A. Responsibilities Shifted from the Renovator to the Designated Party under HUD's LSHR:**

1. Under the LSHR, the designated party is generally responsible to either have the paint tested by a certified lead inspector or risk assessor or presume the presence of lead-based paint. Therefore, when HUD's rule applies, the Certified Renovator may not use a paint test kit to determine that the paint is not lead-based paint. Note: Some states may have conflict-of-interest regulations prohibiting renovators from testing paint on which they will be working.
2. When the HUD LSHR applies, the designated party must have a qualified person, independent of the renovation firm, conduct a lead clearance examination. The Certified Renovator does not conduct a cleaning verification. See below for more information on clearance testing.

### **B. Additional HUD Requirements for the Renovator:**

1. **Training requirements for workers and supervisors performing interim controls.**  
To meet the requirements of both rules:
  - a. If the supervisor (in HUD terms) or Certified Renovator (in EPA terms) is certified as a lead-based paint abatement supervisor or has successfully completed an accredited abatement supervision or abatement worker course, that person must complete a 4-hour RRP refresher course.
  - b. For workers who are not themselves supervisors / Certified Renovators:
    - If their supervisor on this project is a certified lead-based paint abatement supervisor who has completed a 4-hour RRP refresher course, the workers must obtain on-the-job training in lead-safe work practices from the supervisor.
    - Otherwise, the workers must successfully complete either a one-day RRP course, or another lead-safe work practices course approved by HUD for this purpose after consultation with the EPA. HUD has approved the one-day RRP course, the previously-published HUD/EPA one-day Renovation, Remodeling and Repair course, and other one-day courses listed on HUD's website, at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead).
  - c. Where the work is being done in a State or Tribal jurisdiction that has been authorized by the EPA to operate an RRP training and certification program, the one-day RRP course and half-day RRP refresher course must be accredited by the State or Tribe. HUD will approve all one-day RRP courses accredited by EPA-authorized States or Tribes.
  - d. The 4-hour RRP refresher course is not sufficient on its own to meet either the EPA or HUD training requirements.
2. **The certified renovation firm and the certified renovator must take additional precautions to protect residents from lead poisoning beyond those in EPA's RRP Rule.**
  - a. **Renovators must use lead-safe work practices in work exempt from the RRP Rule that:**
    - Disturbs between 2 and 6 ft<sup>2</sup> of paint per room, the LSHR's *de minimis* threshold and the RRP's minor repair and maintenance activities threshold, respectively.  
*Note:* Window replacement, window sash replacement, and demolition of painted surface areas disturb more paint than the LSHR's *de minimis* threshold.

## EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule

- Disturbs more than 10% of a component type with a small surface area (such as window sills, baseboards, and trim).  
*Note:* The square foot and percent thresholds above apply to all work performed within a thirty day period.
  - Is in target housing where the owner-occupant signs a statement under the RRP Rule that lead safe work practices are not required.  
*Note:* HUD does not allow any owner, whether an owner-occupant or landlord, to opt out of the use of lead safe work practices at any time, even though the EPA allows an owner-occupant to sign a statement that lead safe work practices are not required.
- b. **Not using HUD's 3 additional prohibited work practices:**
- Heat guns that char the paint even if operating at below 1100 degrees F.
  - Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1 ft of electrical outlets.
  - Paint stripping using a volatile stripper in a poorly ventilated space.
- c. **Taking additional measures to protect occupants** during longer interior hazard reduction activities: Temporarily relocating the occupant before and during longer interior hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards. Temporary relocation is not required for shorter projects, where:
- The work is contained, completed in one period of 8-daytime hours, and does not create other safety, health or environmental hazards; or
  - The work is completed within 5 calendar days, after each work day, the worksite and the area within 10 feet of the containment area are cleaned of visible dust and debris, and occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

### C. Additional Designated Party Responsibilities that may Affect the Renovator

On jobs covered by the HUD LSHR, the certified renovation firm and the certified renovator should know other requirements for the designated party that may affect their role on the project.

1. **Designated party must provide occupants with two notices, if the amount of work is above HUD's *de minimis* threshold:**
  - a. **NOTICE OF EVALUATION OR PRESUMPTION:** This notice informs the occupants that paint has been evaluated to determine if it is LBP or that paint has been presumed to be LBP. The designated party must notify the occupants within 15 calendar days of receiving the evaluation report or making the presumption. The renovator should ask the client if he/she has made this notice. The owner may provide a copy of this notice to the renovator so the renovator knows where LBP is located.
  - b. **NOTICE OF HAZARD REDUCTION ACTIVITY:** This notice describes the hazard reduction work that was completed and gives the contact for occupants to get more information. The designated party must notify the occupants within 15 calendar days of completion the hazard reduction work. The renovator may be given a copy of this notice, or may be asked to prepare or distribute the notice for the owner at part of the renovator's work for the owner.

## **EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule**

2. **Depending on the type and amount of housing assistance provided, HUD generally requires that identified LBP hazards be treated.** Treatments may include LBP hazard abatement, interim controls or ongoing LBP maintenance. Renovators should inquire if their contract with the owner requires them to perform lead hazard treatment tasks listed below. If so, all workers and supervisors must have the proper training and qualifications. Generally, interim controls include the following activities, which are required if the amount of work is above HUD's *de minimis* threshold; for work below the *de minimis* threshold, any deteriorated paint must be repaired, but the work need not be done using lead-safe work practices, although HUD strongly encourages their use:
  - a. Deteriorated LBP must be stabilized. This means that physical defects in the substrate of a paint surface or component that is causing the deterioration of the surface or component must also be repaired.
  - b. Friction surfaces that are abraded must be treated if there are lead dust hazards nearby.
  - c. Friction points must be either eliminated or treated so the LBP is not subject to abrasion.
  - d. Impact surfaces must be treated if the paint on an impact surface is damaged or otherwise deteriorated and the damage is caused by impact from a related building component (such as a door knob that knocks the wall or a door that rubs against its door frame).
  - e. LBP must be protected from impact.
  - f. Chewable LBP surfaces must be made inaccessible for chewing by children of less than six years of age if there is evidence that such a child has chewed on the painted surface.
  - g. Horizontal surfaces that are rough, pitted, or porous must be covered with a smooth, cleanable covering or coating.
  
3. **For certain types of HUD assistance, when a child known to have an environmental intervention blood lead level is present, the designated party must take additional steps to assess the situation and respond to potential lead hazards.** An environmental intervention blood lead level is a reading in a child under 6 years old of 20 micrograms per deciliter of blood (20 µg/dL), or two readings of 15 to 19 µg/dL at least 3 months apart. For certain types of HUD assistance (tenant-based rental assistance, project-based rental assistance, public housing, and HUD-owned multifamily housing), the owner or designated party may ask the renovator to perform work in the unit to address specific lead hazards identified by an environmental investigation risk assessment. All persons participating in such work should have appropriate training and qualifications.
  
4. **The designated party must arrange for a party independent of the renovator to conduct a clearance examination, if the amount of work is above HUD's *de minimis* threshold:**
  - a. A clearance examination includes a visual assessment at the end of the renovation work for deteriorated paint, dust, debris, paint chips or other residue; sampling of dust on interior floors, window sills and window troughs; submitting the dust samples to a laboratory for analysis for lead; interpreting the lab results, and preparing a clearance report. EPA also allows a clearance examination to be used instead of the post-cleaning verification, if the clearance examination is required by federal, state or

## **EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule**

local regulations or by the contract. The unit – or, where work is contained, just the work area and an area just outside the containment – must pass clearance, and must not have any remaining lead hazards. If clearance fails at either the visual assessment step or the dust testing step, cleaning has to be redone in the failed part of the work area. The failed part of the work area is the specific area that was tested, as well as any areas that were not tested, and any other areas that are being represented by the sampled area. For example:

- Just one bedroom was tested, because it was to represent all bedrooms in the housing unit; it failed. Therefore, all of the bedrooms in the unit have to be re-cleaned and re-cleared.
  - In a large multifamily apartment building, if a percentage of units are tested in accordance with the HUD Guidelines, if any fail, all of the units except those that passed clearance have to be re-cleaned and re-cleared. (If there are patterns of just certain component types failing, just those component types need to be re-cleaned and re-cleared in the failed and untested units.)
- b. The person conducting the clearance examination must be both:
- A certified lead-based paint inspector, risk assessor, clearance examiner, or dust sampling technician, depending on the type of activity being performed. (Either the State or the EPA certifies this person, depending on whether or not the State the housing is in is authorized by EPA to certify people in the lead discipline.)
  - Independent of the organization performing hazard reduction or maintenance activities. There is one exception, which is that designated party may use a qualified in-house employee to conduct clearance even if other in-house employees did the renovation work, but an in-house employee may not do both renovation and clearance.

### **D. How to Find Out About Lead-Based Paint Requirements that Apply to Planned Work in Properties Receiving HUD Housing Assistance, such as Rehabilitation or Acquisition Assistance:**

Finding out whether the work is receiving federal housing assistance is important because failing to meet lead-based paint requirements could affect the continuation of the assistance. For each job, the renovation firm should find out whether:

- The housing receives financial assistance; and
- Any lead-based paint requirements apply to the work because of the assistance provided.

The renovation firm should take the following steps:

1. Ask the property owner if the property or the family receives any type of housing assistance, including low-interest loans, from a local, State, or Federal agency. If so:
  - a. Find out the name of the agency, contact person, address and phone number. (See the list of types of agencies below.)
  - b. Get a basic description of the type of assistance the property receives.

## **EPA Certified Renovation Firms and Certified Renovators Additional Requirements of HUD's Lead Safe Housing Rule**

**Note:** You should be able to explain to the owner that there will be information about the work that you will need, and that you also need to check if there are any special requirements.

2. If you have any questions about the Federal or State lead-based paint requirements that apply to the work, contact the public agency administering the assistance and discuss the project with the program specialist or rehabilitation specialist working with the property. For example:
  - a. Is the project considered lead abatement? If so, what are the agency's abatement requirements?
  - b. If the project is not abatement, what are the agency's lead-based paint requirements for the project, and how should they be incorporated into the work write-up?

Some types of public agencies administering housing assistance, such as rehabilitation or acquisition assistance, include:

- State Housing Agency, Corporation or Authority
- State Community Development Agency, Corporation or Authority
- State Housing Finance Agency
  
- City or County Housing Authority, Corporation or Authority
- City or County Community Development Agency, Corporation or Authority
  
- USDA Service Center - Rural Housing Programs



## APPENDIX 3:

EPA Memo: Firm Certification and Worker Training Deadline Extension



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 18 2010

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

FROM: Cynthia Giles *Cynthia Giles*  
Assistant Administrator  
Office of Enforcement and Compliance Assurance

TO: OPPTS and Enforcement Division Directors  
Regions 1 – 10

SUBJECT: Further Implementation Guidance for the Renovation, Repair and Painting Rule

The purpose of this memorandum is to provide supplemental guidance to the Regions on enforcement of the Renovation, Repair and Painting Rule (RRP Rule) and the Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program. Since the RRP Rule became effective on April 22, 2010, concerns have been raised by the regulated community regarding difficulties experienced in obtaining the rule required firm certification and renovation worker training.

Acknowledging those concerns and to facilitate the transition to full implementation of the RRP Rule, EPA will offer additional and sufficient time for renovation firms and workers to obtain the necessary training and certifications to comply as follows:

- Until October 1, 2010, EPA will not take enforcement action for violations of the RRP Rule's firm certification requirement.
- For violations of the RRP Rule's renovation worker certification requirement, EPA will not enforce against individual renovation workers if the person has applied to enroll in, or has enrolled in, by not later than September 30, 2010, a certified renovator class to train contractors in practices necessary for compliance with the final rules. Renovators must complete the training by December 31, 2010.

In view of the paramount importance of ensuring that all contractors follow the lead-safe work practices in the RRP rule, EPA will continue to enforce the work practice requirements in the rule which protect children and reduce lead exposure. Information

concerning lead-safe work practices can be found at  
<http://www.epa.gov/lead/pubs/renovation.htm#requirements>.

EPA issued the Lead RRP rule because a disturbing number of America's children are still poisoned by lead-based paint in their homes-leading to learning and behavioral disorders. EPA considers the certification and training requirements important to ensure that firms are protecting children and other residents while renovations are on-going. Information about training is easily accessible on EPA's web site at <http://www.epa.gov/lead/pubs/training.htm>. To date, these training providers have offered more than 15,000 classes and trained 300,000 people. The Agency believes, however, that allowing additional time for firms and individuals to obtain that training and certification will facilitate compliance with the rule. The Agency appreciates the many unique challenges around the country, including numerous disaster declarations, and is committed to encouraging additional training opportunities in every state in order to meet the demand for classes.

Thank you for your continued focus on implementation of this important rule.

cc: Adam Kushner  
Lisa Lund  
Wendy Cleland-Hamnett  
Maria Doa  
Leslye Fraser  
Brenda Mallory