

LEAD RENOVATION RULE FOR PROPERTY MANAGERS

40 CFR 745.80-.91

What does the rule say?

- Beginning April, 2010, contractors that disturb lead based paint in homes, child care facilities and schools built before 1978 must be certified by EPA or states.
- Contractors must follow lead safe work practices.
- Rule focuses on *not* creating hazards.

What is the reason for the rule?

- An estimated 35 million homes in the US contain lead-based paint.
- Approximately 8.4 million renovations are done each year that disturb lead-based paint.
- Approximately 250,000 children are poisoned each year.
- 60% of cases are caused by renovation activity.

What is the likelihood that houses contain lead-based paint?

- Property built before 1940 – 87% chance it contains lead-based paint
- Property built from 1940-1959 – 70% chance it contains lead-based paint
- Property built from 1960-1977 – 25% chance it contains lead-based paint

Who does the rule cover?

- Anyone who disturbs lead-based paint *for compensation* in residential buildings, day care centers and schools built prior to 1978, *including residential property owners and managers*.
—Applies to any contractor disturbing lead-based paint, including general contractors, painters, plumbers, carpenters and electricians.

How does the rule affect property managers?

- The law will require property managers to hire certified contractors anytime paint is disturbed due to repair or renovation in target housing.
- If property managers have staff members do the work, they must become certified.

What triggers the rule?

- In residential housing, child care facilities and schools built before 1978 where lead paint is disturbed
 - Six square feet on the interior
 - Twenty square feet on the exterior
 - Window replacement or demolition

What is meant by disturbing the paint?

- Includes the following
 - Scraping
 - Sanding, grinding or blasting with power tools not equipped with a HEPA attachment to minimize spreading dust
 - Open-flame torches

—Heat guns over 1100 degrees Fahrenheit

What are the disclosure requirements?

- Disclosure requirements have been in effect since 1996.
- New rule will result in more information being available.
- People will test more.
- All testing results must be disclosed!

What should property managers do to prepare?

- Need to understand the rule.
- Use certified contractors
- Ask to see firm's Certificate.
- Test for lead paint!
- If test comes back negative, this is a great marketing tool.

Is there a way to avoid the rule?

- Zero bedroom units (efficiencies)
- Residential property built after 1978
- Have the property tested
- Tenants performing the work who receive no compensation including a reduction in rent

What is the white glove test?

- Cleaning verification procedure
- Visual assessment with swiffer
- First: go over floor twice with wet cloth
- Second: go over floor once with dry cloth
- Compare color with EPA verification card
- If color is darker, must re-clean!

What about the Renovate Right Pamphlet?

- Must give out prior to renovation and must contain written acknowledgment.
- Notice must be given no more than 60 days prior to renovation work being done.
- Other requirements
- Post warning signs
- Restrict occupants from work areas
- Contain work area
- Use heavy duty plastic on floors and furniture
- Doors and vents must be sealed off with heavy duty plastic
- Clean up areas
- Confirm cleanup was successful

What constitutes a lead inspection?

- Surface by surface investigation for the presence of lead-based paint.
- Costs may range from \$500 for single family homes to \$5000 for apartment buildings.

- Assessment - tells you if there are any sources of serious lead exposure such as peeling paint and dust.

What are the penalties for failure to comply with the rule?

- \$37,500 per day

— Failure to do renovation notice or to use certified contractors.

For more information – 1-800-424-LEAD or go to www.epa.gov/lead.

To obtain multiple copies of the Renovate Right Pamphlet contact the Government Printing Office at (202) 512-1800.