

## Background on EPA Requirements for Safe Renovation, Remodeling, and Painting in pre-1978 Housing and Child-Occupied Facilities – 40 CFR 745.85

### Overview

Common renovation activities that disturb lead-based paint, like sanding, cutting, and demolition, can create hazardous lead dust and chips that can be harmful to adults and children. To protect against exposure risk, EPA has issued its “Renovate Right” rule, requiring the use of lead-safe work practices during renovations in pre-1978 housing and child-occupied facilities. As of April 22, 2010, renovators must be certified and follow specific work practices to prevent lead contamination. The rule will affect:

- Renovation and remodeling contractors
- Maintenance workers
- Painters and other specialty trades.

### Frequently Asked Questions and Answers

*What types of structures are covered by the rule?*

- **Target Housing:** Housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child under age 6 years resides in or is expected to reside in such housing) and 0-bedroom dwellings.
- **Child-Occupied Facility:** Day care, pre-school, kindergarten classroom, or other facility or residence in a building constructed prior to 1978 that is visited regularly by the same child under age 6, on at least two different days within any week, 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.

*What types of renovation are affected?*

**Any work performed for pay, including painting and remodeling, that results in the disturbance of painted surfaces in pre-1978 homes and child-occupied facilities.** Examples: removal or modification of painted components such as doors; repairing a painted surface or preparing it for repainting by sanding, scraping, burning, or other action that may generate paint dust; removal of walls, ceilings, and other structures; re-plastering; re-plumbing; weatherization work that disturbs painted surfaces; and window replacement.

*What must a renovation professional do to prepare to comply?*

An individual renovator must complete a renovator training course accredited by EPA or a state program. Successful course completion leads to renovator certification without additional application or fee.

*What must a renovation firm do to prepare to comply?*

A renovation firm must be certified and ensure that at least one certified renovator, who must provide uncertified workers with on-the-job training on job-specific work practices, is utilized at each job site covered by the rule. Renovation firms may begin applying for certification in October 2009.

*When does the rule go into effect?*

As of April 22, 2010, all renovation work in target housing and child-occupied facilities must be conducted by certified firms, certified renovators, and workers who have had on the job training in job-specific work practices.

*What actions must renovators take for each project in a home or child-occupied facility?*

- Deliver information pamphlet to occupants before beginning work (already required).
- Place a visible sign defining the work area and warning occupants not to enter it.
- Isolate/contain the work area so that no visible dust or debris leaves the work area.
- Contain, store, and transport renovation waste material safely to prevent release of and access to dust and debris.
- Not use banned practices on painted surfaces such as using a heat gun above 1100°, using a torch, and using machines such as power sander or plane unless attached to a HEPA vacuum.

- After completing renovation work, clean the work area until no visible dust, debris or residue remains.
- After cleaning, conduct post-cleaning verification or pass quantitative dust clearance testing.
- After all interior work area passes cleaning verification or dust clearance sampling and all exterior work area passes the visual inspection, remove the warning sign.
- Maintain records to prove compliance with the rule for a period of three years after the completion of renovation.

*Are there exceptions to the requirements?*

The following exemptions to the rule apply:

- **Abatement:** Activities conducted under abatement rules by certified abatement contractor.
- **Minor Repair or Maintenance Activities:** Activities that will, within a 30-day period, disturb less than 6 square feet per room for interior activities; or 20 square feet for exterior activities. This exemption does NOT apply to window replacement; demolition; or use of banned practices.
- **No Lead-Based Paint Will be Disturbed:** as determined by:
  - Testing of paint by certified lead inspector or risk assessor; or
  - Proper use of EPA-recognized test kit by certified renovator.
- **Do-It-Yourself:** Work performed by an owner an owner-occupied residence.

*Are there any other limits to the scope of the rule?*

- **Owner-Occupied Target Housing:** Exempt from requirements if owner certifies that the property is not occupied by a child under age 6 or a pregnant woman, and it is not a child-occupied facility. **Emergency Renovations Not Due to an Elevated Blood Level:** May be exempt from information distribution, warning signs, containment, waste handling, training and certification requirements; cleaning, cleaning verification, and recordkeeping requirements still apply.
- **Emergency Renovations in Response to Elevated Blood Lead in Resident Child:** Interim controls are exempt only from advance information distribution requirements.

*Who will certify renovators and accredit training courses?*

EPA will delegate the renovation program to any state or tribe that seeks authorization to administer it and demonstrates that its program will be at least as protective as EPA's. States have the option to make the rule more protective than the EPA. 39 states have accepted delegation of EPA's rules for lead abatement.

**Deadlines in EPA's Renovation, Repair and Painting Rule**

Deadlines	6/21/08	12/22/08	4/22/09	10/22/09	4/22/10
Training Firms	Cannot claim course qualifies for EPA certification unless accredited.		May apply for EPA accreditation		<b>Full Compliance Required</b>
Renovation Firms				May apply for EPA certification	
Renovators (Individuals)					
New <i>Renovate Right</i> pamphlet		New pamphlet must be used			
EPA-Approved Test Kits	EPA recognizes some tests				

For more information, see [www.epa.gov/lead/pubs/renovation.htm](http://www.epa.gov/lead/pubs/renovation.htm)