



NORTHEASTERN SUBCONTRACTORS ASSOCIATION, INC.

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Summary of EPA Lead Renovation Regulations (Part 745)

Effective Date

April 22, 2010

Summary

Promulgated to address lead-based paint hazards created by renovation, repair and painting activities that disturb lead-based paint in target housing and child occupied facilities.

- “Target housing” is defined as any housing constructed before 1978, except housing for the elderly or any 0-bedroom dwelling.
- “Child-occupied facility is a building, or a portion of a building, constructed prior to 1978, visited regularly by a child under 6 years of age, 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. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms.

“Renovation” means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. 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 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.

Minor maintenance projects that disturb no more than 6 square feet of painted surface per room for interiors and no more than 20 square feet of painted surfaces for exteriors are exempt, so long as no work practices prohibited or restricted by this rule are used, the renovation does not involve window replacement and there is no demolition of painted areas.

The rule establishes requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping.

This Rule Potentially Affects

- Residential remodelers
- Plumbing, heating & air conditioning contractors
- Painting & wall covering contractors
- Electrical contractors
- Finish carpentry contractors
- Drywall & insulation contractors
- Siding contractors
- Tile & terrazzo contractors
- Glass & glazing contractors

Pre-Renovation Education Rule

This rule requires contractors to distribute an EPA lead hazard information pamphlet to owners and tenants before beginning renovations.

Training Providers

Training providers who wish to provide training to renovators and dust sampling technicians for Federal certification purposes must apply for a receive accreditation from EPA following the same procedures that training providers who offer lead-based paint activities training now use to become accredited by EPA. To become accredited to provide training for renovators and dust sampling technicians, a provider must submit an application for accreditation to EPA. The application must include the following items:

- The course materials and syllabus, or a statement that EPA model materials or materials approved by an authorized State will be used.
- A description of the facilities and equipment that will be used.
- A copy of the test blueprint for each course.
- A description of the activities and procedures that will be used during the hands-on skills portion of each course.
- A copy of the quality control plan.
- The correct amount of fees.

Training programs that submit a complete application and meet the requirements for faculty, facilities, equipment, and course and test content will be accredited for 4 years.

Certified Renovator

Each renovation project covered by this rule must be performed and/or directed by an individual who has become a certified renovator by successfully completing renovator training from an accredited training provider. The certified renovator must perform or direct certain critical tasks during the renovation, such as posting warning signs, establishing containment of the work area,

and cleaning the work area after the renovation. These and other renovation activities may be performed by workers who have been provided on-the-job training in these activities by a certified renovator. However, the certified renovator must be physically present at the work site while signs are being posted, containment is being established, and the work area is being cleaned after the renovation to ensure that these tasks are performed correctly. Although the certified renovator is not required to be on site at all times, while the renovation project is ongoing, a certified renovator must regularly direct the work being performed by other workers to ensure that the work practices are being followed. When a certified renovator is not physically present at the work site, the workers must be able to contact the renovator immediately by telephone or other mechanism. In addition, the certified renovator must perform the post-renovation cleaning verification. This task may not be delegated to workers through on-the-job training. To maintain certification, a renovator must successfully complete an accredited renovator refresher training course every 5 years.

Certified Firms

Renovations must be performed by certified firms. The certification requirements for renovation firms are identical to the certification requirements for firms that perform lead-based paint activities, except that renovation firm certification lasts for 5 years instead of 3 years. A firm that wishes to become certified to perform renovations must submit an application, along with the correct amount of fees, attesting that it will assign a certified renovator to each renovation that it performs, that it will use only certified or properly trained individuals to perform renovations, and that it will follow the work practice standards and recordkeeping requirements in the rule. EPA will certify any firm that meets these requirements unless EPA determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. To maintain certification, the firm must submit an application and the correct amount of fees every 5 years.

Required Work Practices

This rule contains a number of work practice requirements that must be followed for every covered renovation, including:

- Warning signs. Certified renovator must post warning signs outside the area to be renovated.
- The work area must be contained so that dust or debris does not leave the area while the work is being performed.
- Certain practices are prohibited (e.g., high heat gun, torch, power sanding, power planing).
- Waste management. The certified renovator or a worker trained and directed by a certified renovator must, at the conclusion of each work day, store any collected lead-

based paint waste from renovation activities under containment, in an enclosure or behind a barrier that prevents release of dust and debris and prevents access to the waste.

- Cleaning. There are a number of specific cleaning steps that the certified renovator or a worker under the direction of the certified renovator must follow after performing a covered renovation. All paint chips and debris must be removed. Protecting sheeting must be misted, folded and taped shut. After the sheeting has been removed, all surfaces and objects must be vacuumed with a HEPA-equipped vacuum. After vacuuming, all surfaces must be wiped with a damp cloth. All uncarpeted floors must be thoroughly mopped.
- The certified renovator must perform a visual inspection of the work area after the cleaning steps have been taken.
- For interior work, when the work area passes the visual inspection, an additional cleaning verification step is required. A certified renovator must use disposable cleaning cloths to wipe the windowsills, countertops, and uncarpeted floors in the work area. These cloths must then be compared to a cleaning verification card.

State Programs

States, territories and tribes may apply for and receive authorization to administer their own renovation programs in lieu of the EPA regulation.

Recordkeeping

Firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with the rule for a period of 3 years following completion of the renovation. Records that must be retained shall include:

- Reports certifying that a determination had been made by an inspector that lead-based paint is not present on the components affected by the renovation.
- Signed and dated acknowledgements of receipt of lead hazard information pamphlet.
- Certifications of attempted delivery.
- Certifications of mailing.
- Records of notification activities performed regarding common area renovations.
- Any signed and dated statements received from owner-occupants.
- Documentation of compliance with the requirements including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed the tasks, and that the certified renovator performed the post-renovation cleaning verification.