

Progress in Implementing EPA's new Lead (Pb) Renovation, Repair & Painting (RRP) Program Rule



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October 22, 2009
BECO Annual Conference
Columbus, Ohio*

Renovation Program Launch

April 22, 2008:

New rule under TSCA § 402(c)(3) addresses lead-based paint hazards created by;

- **renovation,**
- **repair,**
- **painting activities,**

that disturb lead-based paint in “target housing” and “child-occupied facilities”

Scope of the Rule

- **Persons performing renovations must be trained,**
- **Renovators, dust sampling technicians and firms performing renovations must be certified,**
- **Training providers must be accredited,**
- **Lead-safe work practices must be followed, and**
- **The Pre-Renovation Education (PRE) Rule was updated and expanded to include child-occupied facilities.**

Scope of the Rule

- **Renovation is defined as modification of any existing structure that results in the disturbance of painted surfaces, unless performed as part of an abatement.**
- **Applies to renovations of target housing and child-occupied facilities performed for compensation.**
- **Child-occupied facilities may be located in public or commercial buildings or in target housing. Includes kindergarten classrooms, preschools and daycare facilities.**

Scope of the Rule

Excludes:

- Renovations that affect only components that have been determined to be free of lead-based paint.
- Activities that disturb less than 6 sq. ft. interior, or 20 sq. ft. exterior. This excludes window replacement, demolition, and projects involving prohibited work practices.
- Work done by individuals in housing they own and occupy.

Opt-out provision:

- Homeowners may opt-out of rule requirements if; (a) they occupy the housing to be renovated, (b) the housing is not a child-occupied facility, and (c) no child under age 6 or pregnant woman resides there.
- Homeowner may still request lead-safe work practices.

Certification - Firms

- **To be certified to perform renovation or dust sampling, firms must submit an application and fee to EPA**
- **Fee is \$300, good for 5 years.**
- **Certification allows the firm to perform renovations in any non-authorized State of Indian Tribal area.**

Certification - Individuals

- Must take an 8-hour accredited training course
 - Certified Renovators – perform & direct renovation activities.
 - Dust sampling technicians – can, on request, perform dust sampling to clear renovation projects other than abatement in lieu of cleaning verification.
- Course certificate serves as certification (no application or fee to EPA is required).
- Refresher training is required every 5 years.
- Other workers do not need certification.
- Certification allows the renovator to perform renovations in any non-authorized State of Indian Tribal area.
- Grandfathering - Individuals who have taken certain previous training courses can become a certified renovator by completing a 4-hour refresher course.
- Certified persons must work for a certified firm.

Accreditation – Training Providers

Two disciplines and four accredited RRP training courses:

- Renovator Initial (8 hrs.) & Refresher (4 hrs.)
- Dust Sampling Technician Initial (8 hrs.) & Refresher (4 hrs.)

- EPA model training materials currently available (on-line & free-of-charge) for all except Dust Sampling Technician Refresher Course. Model course tests are in development.
- Qualified trainers may apply to EPA for accreditation by submitting an application and paying a fee (RI & DSTI are \$560 initially and \$340 every 3 years, RR & DSTR are \$400 initially, and \$310 every 4 years).
- Providers must be accredited in order to offer the training for RRP certification
- Accreditation is nationwide (excluding authorized States or Indian Tribal areas)

RRP Work Practice Standards

- **For firms**
- **For certified individuals**
- **For interior renovations**
- **For exterior renovations**
- **For cleaning and cleaning verification**
- **Prohibited work practices**

Phased Implementation Milestones

- **June 2008**: Effective date of RRP rule, states can begin applying for program authorization.
- **December 2008**: Renovation contractors must distribute the new “Renovate Right” pamphlets.
- **April 2009**: Training providers may begin applying for accreditation.
- **October 2009**: Renovation firms may begin applying for certification.
- **April 2010**: Training providers must be accredited, renovation firms must be certified, renovators and dust sampling technicians must be certified, workers must be trained, and work practices must be followed.

State Program Authorization (Phase 1)

- **EPA offered incentive grants in FFY '09 for states to begin RRP program development – awards made based on letters of intent.**
- **National guidance for state applications – Dec. 2008**
- **States typically need new statutory and regulatory authority – can be a lengthy process.**
- **About half the states nationwide stated in March, 2009 that they are planning to pursue RRP authorization.**
- **Most states in Region 5 are moving forward, but the pace varies. Wisconsin and Indiana have indicated plans to seek program delegation in the current fiscal year.**

Infrastructure & Workforce Development (Phase 2)

- **Since April, 2008, approximately 200 training organizations have applied to EPA for accreditation to offer RRP courses.**
- **EPA has 180-days to review and approve. Determinations made by EPA Regions.**
- **Processing slowed by late revisions to the application instructions, forms and procedures.**
- **By September 30, 2008, nearly 70 trainers had been approved. More coming online every week.**
- **EPA can track the numbers of certified persons through class notifications entered into a national database (FLPP).**

Training Infrastructure in Region 5

- To date, 14 training organizations have been accredited for RRP training in Region 5.
- These providers represent 27 approved courses; 14 Renovator Initial, 10 Renovator Refresher and 3 Dust Sampling Technician Initial.
- There are currently no Dust Sampling Technician Refresher Courses – EPA has not developed this model curriculum and has no immediate plans to do so.
- Of the currently accredited providers, OH=4, MI=6, MN=2, IN=1, WI=1.
- IL presently has no accredited RRP trainers, although several applications from IL trainers are pending.
- All of the accredited trainers can offer courses in their own and other states, so long as they meet applicable state requirements.

Firm Certification (Phase 3)

- **Interested firms can apply starting October 22, 2009.**
- **EPA has 90-days to process complete applications. Determinations made by EPA HQ.**
- **An estimated 200,000 firms nationwide will need certification the first year.**
- **Application forms and instructions are available on the internet.**

Full Implementation and Enforcement (Phases 4 & 5)

April 22, 2010

- **Training providers must be accredited**
- **Renovation firms must be certified**
- **Renovators and Dust Sampling Technicians must be certified**
- **Workers must be trained**
- **Work practice standards must be followed.**
- **EPA will initially emphasize compliance assistance for the regulated community, followed by enforcement after a transitional period.**

Recent Settlement Agreement

- **Various advocacy groups (Sierra Club et. al.) have sought to make the final RRP rule more protective.**
- **Under the terms of an August 2009 settlement, EPA has agreed to propose four future rule changes for public comment.**
- **Contemplated rulemaking actions will span several years, into 2013 or later.**

Settlement Agreement Provisions

Opt-Out/Post Renovation Notification Proposal

Schedule

- Propose a rule by 10/20/09
- Finalize a rule by 4/22/10

Proposal

- Remove the homeowner opt-out exemption at 40 CFR 745.82(c). This exemption allows a homeowner with no children < 6 or pregnant women living there to opt-out of the rule with a written certification.
- Require post-renovation notification. A proposal to require that renovation firms provide owners & occupants a post-renovation notification that will include information regarding the work practices utilized by the renovator as well as any sampling or testing results.

Settlement Agreement Provisions

Clearance Proposal

Schedule

- Propose by 4/22/10
- Finalize a rule by 7/15/11

Proposal

- Require dust wipe sampling on uncarpeted surfaces where; (a) a heat gun is used at temperatures below 1100 degrees, (b) a window or door frame is removed or replaced, (c) an area >60 sq. ft. is scraped, and/or (d) more than 40 sq. or linear ft. of trim or molding is removed.
- Require clearance where; (a) machines are used to disturb paint through high-speed operation with HEPA exhaust control, and/or (b) more than 6 sq. ft. of plaster is demolished or removed.
- Request comment on whether clearance should be required under various other work practice scenarios.

Settlement Agreement Provisions

Non-Residential Buildings Exterior Proposal

Schedule

- Provide Advanced Notice of Proposed Rulemaking (ANPR) by 4/22/10
- Propose a rule by 12/15/11 (deadline may be extended 4 mos.).
- Finalize a rule by 7/15/13 (deadline may be extended 4 mos.)

Proposal

- Propose work practice standards applicable to renovation activities on the exterior of public buildings constructed before 1978 and non-residential commercial buildings.

Settlement Agreement Provisions

Non-Residential Buildings Interior Proposal

Schedule

- Provide ANPR by 4/22/10
- Seek advice from EPA Science Advisory Board (SAB) by 9/30/11.
- Propose a rule 18 months after receiving SAB report, if findings show that renovation work creates lead-based paint hazards. Deadline may be extended if further studies are needed.
- Finalize a rule 18 months after the proposed rule.

Proposals

- Evaluate whether renovations in non-residential building interiors create lead hazards, and if so, propose appropriate work practice standards in the ANPR.
- Seek advice from the SAB regarding the risk assessment methodology used.
- Propose work practice standards applicable to renovation activities that create lead hazards in the interiors of non-residential buildings.

Public Outreach

- **EPA partnering with HUD and the Coalition to End Childhood Lead Poisoning to co-sponsor a 5-year, \$2.5 million public messaging campaign through the National Ad Council.**
- **Projected to start later this year.**
- **Resources will be leveraged through public service announcements (PSA's).**
- **Media will include TV, radio, newspapers, subway and bus transit, billboards, etc.**
- **Renovation contractors will be one target audience.**

**Lead paint comes with
a lifetime guarantee.
It'll do damage for
generations.**

What's on your walls?

NATIONAL LEAD POISONING PREVENTION WEEK

OCTOBER 18-24, 2009

Find out how to protect your
children from lead poisoning.
Call 1-800-424-LEAD (5323).



epa.gov/lead

cdc.gov/nceh/lead

hud.gov/offices/lead

RRP Outreach Campaign

- **A marketing firm (hired July 2009) will adapt the Ad Council's outreach materials to target audiences – specifically addressing the RRP rule.**
- **Market analysis and strategy currently under development.**
- **Campaign scheduled to begin in Spring, 2010 to coincide with RRP implementation.**