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EPA'S FINAL RULE ON REMODELING & RENOVATION

EOC WEBINAR
FEBRUARY 23, 2010



EPA's Lead Rule for Remodeling & Renovation

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Objectives

1. Understand scope of the rule and what activities are affected
2. Be familiar with a Firm and Individual certifications
3. Know how States play a role in this rule
4. What are the implications for NAHB's membership

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Applies to Target Housing & Child Occupied Facilities

- ❑ Target Housing:
Houses or apartments built before 1978 occupied by children under age six or by a pregnant woman
- ❑ Child-Occupied Facilities (COF):
Buildings built before 1978 such as daycares, schools or any building that a child frequents



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Scope of Rule (Effective April 22, 2010)

- ❑ All renovations that disturb painted surfaces **must be performed by a certified firm**
- ❑ Including but not limited to: modification, repair, sanding, scraping, removal of building component, window replacement, weatherization, etc.



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Exceptions (work practices not required)

- ❑ Built after 1978
- ❑ Minor Repairs
 - ❑ Interiors, less than 6 ft² of disturbed surface
 - ❑ Exteriors, less than 20 ft² of disturbed surface
- ❑ A risk assessor or lead paint inspector can determine if a house is "lead-free"
- ❑ Using an approved pre-renovation test kit to determine if components are not covered lead paint (must be done by a certified renovator)
 - ❑ LeadCheck®
 - ❑ Massachusetts has its own



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Firm Responsibilities

- ❑ Pre-renovation Education
- ❑ Obtain firm certification and employ certified renovators
- ❑ Follow EPA work practices
- ❑ Recordkeeping



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Pre-Renovation Education (Effective December 22, 2008)

Distribute new pamphlet: *Renovate Right*

- Distribute no more than sixty days prior to the start of work
 - to owner
 - all occupants affected in a multi-family setting
 - post on signs at COF & common areas
- Signature of receipt or certification of attempt



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Firm Certification (Effective October 22, 2009)

- Firms that perform renovation for compensation must apply to EPA for certification
- A completed application and \$300 fee is required for certification
- Certification good for 5 years
- Application for firm certification can be submitted prior to receiving training as a "certified renovator" (individual)

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The Certified Renovator (Must have by April 22, 2010)

- Firms must assign a certified renovator to direct regulated renovation projects
- Individual must complete an 8-hour training course
 - 6 hours of classroom time
 - 2 hours hands-on
- Certification good for 5 years – recertification requires a 4-hour refresher
- At least one individual in the firm should be trained as a “certified renovator”

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Certified Renovator Responsibilities

- Perform pre-renovation lead spot test
- Post signs outside work area
- Ensure containment area established
- Train uncertified workers and regularly directing those workers
- Ensure compliance with stated Work Practices
- Oversee the clean-up process
- Perform the cleaning verification
- Prepare records
- Maintain a copy of certification

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How does one become a “certified firm?”

- Under EPA's LRRP rule “any firm that performs renovations for compensation,” must apply to EPA to become a “certified” firm.
 - Deadline April 22, 2010
 - EPA has up to ninety (90) days to respond to request for certification
 - Fee is \$300 per firm
 - Firm certification lasts five (5) years from EPA's date of issue.

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- NAHB members can access EPA's firm certification form at <http://www.epa.gov/lead/pubs/firmapp.pdf>
- States will administer the “certification” of firm after states receive delegation authority from EPA.
- Open question: Will states seek to have contractors that were “certified” by EPA to re-certify with the state?

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How do you find an EPA “approved” training provider?

- Only EPA accredited training providers may offer the “certified renovator course” – **get references from training providers**
- Two methods for finding an EPA approved training provider:
 - EPA's website lists “approved” training providers by state or nationwide at:
<http://www.epa.gov/oppt/lead/pubs/trainingproviders.htm>
 - Schedule of training course offered (nationwide) can be found at: <http://www.nchh.org/training/calendar.aspx>
- Individuals are “certified renovators” after completion of course and receiving a certificate from the training provider.

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Process to become an EPA “approved” training provider?

- Firms seeking to offer the “certified renovator's training course” must submit an application to EPA for approval
 - Training providers must have a training manager and principle instructor
- EPA's prerequisites for “training managers” include:
 - Bachelor's degree related to construction, **or** two (2) years experience managing a training program, **or** two (2) years training adults, **and** demonstrated experience training in lead or asbestos
- EPA's pre-requisite for principal instructor include:
 - Similar requirements as a training manager **plus** completion of sixteen (16) hours of EPA accredited training on lead based paint

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Process to become an EPA “approved” training provider?

- Training firms must notify EPA 10 days prior to holding a training class and 10 after the completion of a class
- Training firm must compile and keep a database of all individuals trained
- Training firm must digitally photograph all “certified renovators” and provide a copy to EPA
- Training firm must issue renovator certificates which include a photograph, date of course, name of certified renovator, and training firms credentials

An application to become a training provider is available at:

<http://www.epa.gov/lead/pubs/trainapp.pdf>

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What are the states role?

- States have option to adopt this rule, a state may make its rule more stringent.
- Currently, Wisconsin, North Carolina and Iowa are administering the rule on a state level
- Some changes states have made to the rule
 - Removing the “opt-out” provision
 - Increased the fees
 - Established other prohibited practices
 - Requiring State certification of training providers
 - Requiring state certification of firms
 - Requiring state certification of individual “certified renovators”

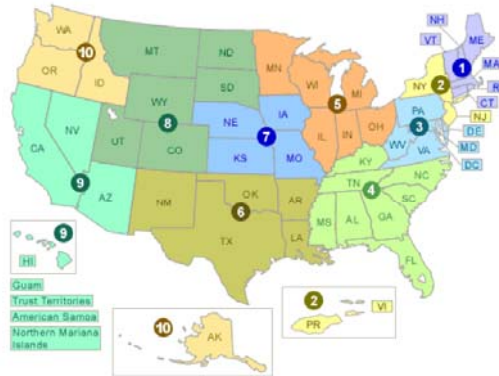
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What if a state chooses not to administer program?

- Then the EPA regional office will enforce the rule - <http://www.epa.gov/lead/pubs/leadoff1.htm>



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Changes made by EPA

- Removing the opt-out
- Potential for third-party clearance testing for certain activities
- Rules for commercial structures

Possible flexibility by EPA

- Delay the compliance date
- Compliance Assistance and forbearance
- What other flexibility?

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Implications for NAHB members

- The current housing stock impacted by the rule is just over 37 million homes.
- EPA estimates 8.4 million remodeling events occur annually.
- The cost of the rule will be \$800 million the first year.
- Remodelers are estimating the rule will cost them an average of \$500 - \$1500 per job.
- EPA is already making changes to the rule.

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What options do I have if my HBA wants to offer training?

1. Host a training session by an EPA or state accredited training provider
2. "Partner" with an EPA accredited training provider;
 - Example OHBA's partnership with NCHH combining online training with "hands on" component
3. Apply for EPA certification to become an EPA accredited training provider
4. Find out who the training providers are in your area and keep a list of their contact information on your HBA's website

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This presentation is not a complete overview of the Lead: Renovation, Repair and Painting Rule. It is only meant to be informative, further details about the rule and all resources mentioned can be found at

www.nahb.org/leadpaint

<http://www.epa.gov/lead/pubs/renovation.htm>

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