

EPA Enforcement of the Lead Based Paint Regulations

EPA Region 3
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Overview

- Today we will address...
 - Why lead based paint is a hazard
 - The Lead Based Paint Regulations
 - The Renovation Repair and Painting Rule (RRP)
 - The Disclosure Rule (1018)
- EPA Enforcement of the Lead Regulations

Lead is a Hazard – Why?

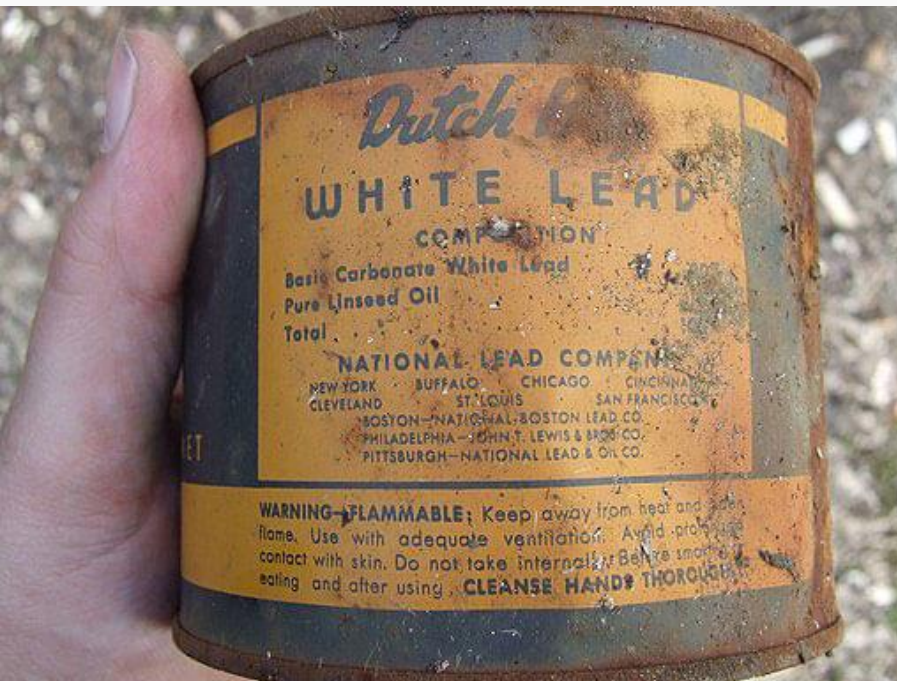
- Affects brain, central nervous system, and many other systems in body.
- Can cause behavioral issues and reduced intelligence.
- Leaded dust is often invisible.
- Exposure occurs through ingestion or inhalation.
- Can cause permanent damage.
- Signs and symptoms often go unnoticed.

LBP in Residential Housing

- Over 60 million homes built before 1978 contain lead-based paint
- Some homes are more prone to LBP hazards
 - Older, pre-1960 units
 - Poor condition
 - Unsafe renovation or maintenance
 - Exterior contaminated soil



Why Regulate Lead-Based Paint?



- To reduce lead-based paint hazards
- Lead dust is the most common cause of lead poisoning in children.
- Renovation Repair and Painting Rule
- Disclosure Rule



The Renovation Repair and Painting Rule (RRP)



Rule Scope

- Definition: Renovation is defined as modification of any existing structure that results in the disturbance of painted surfaces
- Applies to contractors renovating homes, child care facilities, and pre-schools built before 1978
- For Compensation



How to Comply with the Rule

- Renovation firms must be certified
- Each job must have a certified renovator assigned
- Homeowners receive pamphlet and firms document receipt
- Firms follow lead safe work practices and document



Firm Certification

United States Environmental Protection Agency

**LEAD-SAFE
EPA
CERTIFIED FIRM**

This is to certify that

ABC Painting Company

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint renovation, repair, and painting activities pursuant to 40 CFR Part 745.89

In the Jurisdiction of:

All EPA Administered States, Tribes, and Territories

This certification is valid from the date of issuance and expires February 4, 2015

NAT-12345-1
Certification #
January 26, 2010
Issued On

 *Michelle Price*

Michelle Price, Chief
Lead, Heavy Metals, and Inorganics Branch

Sample Recordkeeping Checklist

Sample Renovation Recordkeeping Checklist

Name of Firm: _____

Date and Location of Renovation: _____

Brief Description of Renovation: _____

Name of Assigned Renovator: _____

Name(s) of Trained Worker(s), if used: _____

Name of Dust Sampling Technician,
Inspector, or Risk Assessor, if used: _____

___ Copies of renovator and dust sampling technician qualifications (training certificates, certifications) on file.

___ Certified renovator provided training to workers on (check all that apply):

- | | |
|-----------------------------|---|
| ___ Posting warning signs | ___ Setting up plastic containment barriers |
| ___ Maintaining containment | ___ Avoiding spread of dust to adjacent areas |
| ___ Waste handling | ___ Post-renovation cleaning |

___ Test kits used by certified renovator to determine whether lead was present on components affected by renovation (identify kits used and describe sampling locations and results): _____

___ Warning signs posted at entrance to work area.

___ Work area contained to prevent spread of dust and debris

___ All objects in the work area removed or covered (interiors)

___ HVAC ducts in the work area closed and covered (interiors)

___ Windows in the work area closed (interiors)

___ Windows in and within 20 feet of the work area closed (exteriors)

___ Doors in the work area closed and sealed (interiors)

___ Doors in and within 20 feet of the work area closed and sealed (exteriors)

___ Doors that must be used in the work area covered to allow passage but prevent spread of dust

___ Floors in the work area covered with taped-down plastic (interiors)

___ Ground covered by plastic extending 10 feet from work area—plastic anchored to building and weighed down by heavy objects (exteriors)

___ If necessary, vertical containment installed to prevent migration of dust and debris to adjacent property (exteriors)

___ Waste contained on-site and while being transported off-site.

___ Work site properly cleaned after renovation

___ All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal

___ Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)

___ Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used): _____

___ If dust clearance testing was performed instead, attach a copy of report

___ I certify under penalty of law that the above information is true and complete.

Name and title

Date



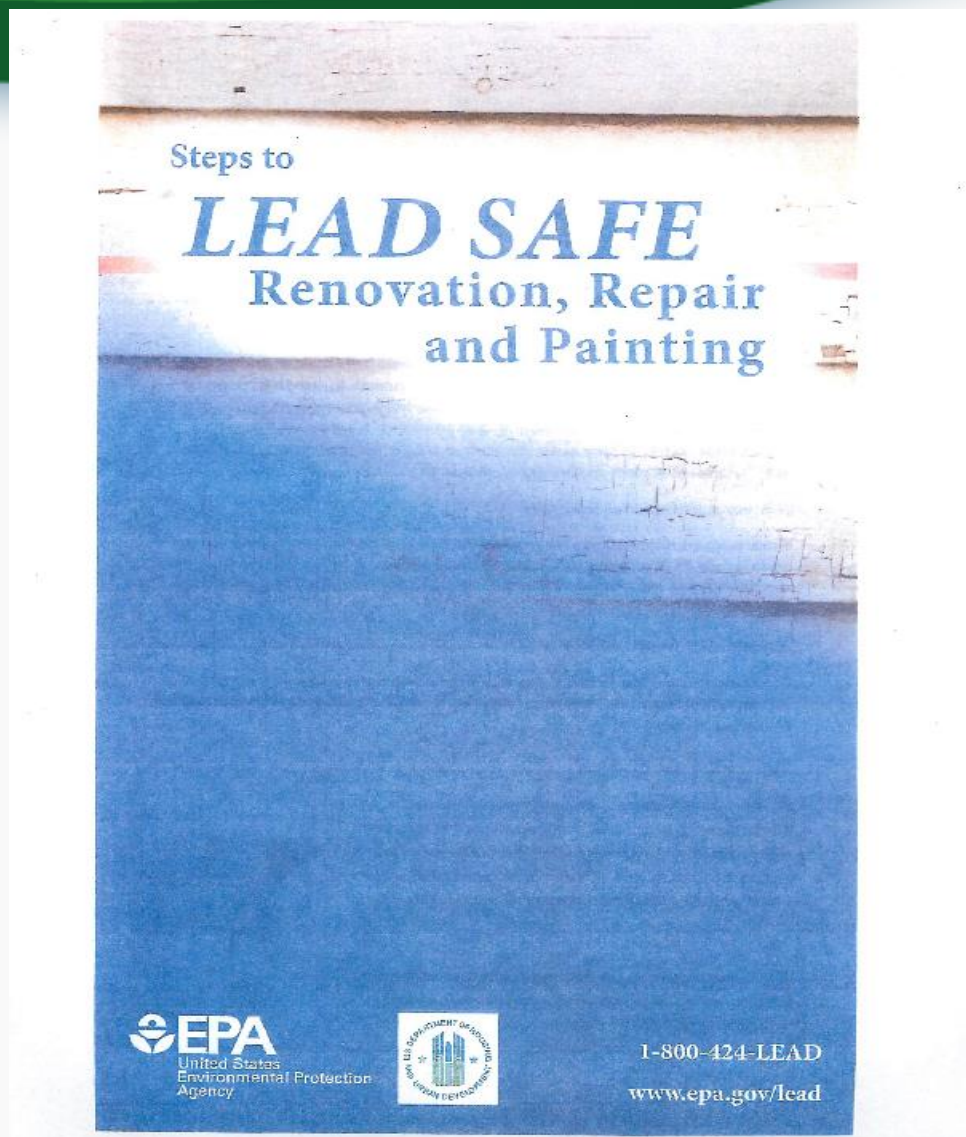
Rule Exceptions

Excludes:

Renovations that affect only components that have been determined to be free of lead-based paint.

Minor repair and maintenance activities that disturb 6 ft² or less per interior room or 20 ft² or less of exterior surface.

Work done by individuals in housing they own and occupy.





How to Comply With the Rule

Work Practice Standards

- Firms performing renovations must ensure that:
 - All individuals performing renovation activities are either certified renovators or have been trained by a certified renovator.
 - A certified renovator is assigned to each renovation
 - All renovations performed by the firm are performed in accordance with the lead-safe work practice standards.
 - The firm supplies lead hazard information pamphlets to owners of the home prior to starting the work.
 - The rule's recordkeeping requirements are met.



How to Comply With the Rule

Work Practice Standards

- Perform project cleaning verification, and perform or direct workers who perform all other required tasks.
- Provide training to workers on the work practices they will be using in performing their assigned tasks.
- Regularly direct work being performed by other individuals to ensure that the work practices are being followed, including:
 - maintaining the integrity of the containment barriers, and
 - ensuring that dust or debris does not spread beyond the work area.



How to Comply With the Rule

Work Practice Standards

- Be physically present at the work site:
 - When warning signs are posted.
 - While containment is being established.
 - While the work area cleaning is performed.
- Be available, either on-site or by telephone, at all times that renovations are being conducted.
- When requested, use an EPA-approved test kit to determine if lead-based paint is present.
- Carry copies of their initial course completion certificate and most recent refresher course completion certificate.
- Must prepare required records.



How to Comply with the Rule

Work Practice Standards

- Post signs defining the work area.
- Isolate the work area so that no visible dust or debris can leave the work area.
- Certain practices are prohibited
 - open-flame burning or torching
 - machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control
 - operating a heat gun above 1100 degrees Fahrenheit



Overall view

Up close view











03/06/2019 11:16



03/06/2019 13:52



06/25/2019 13:33



06/25/2019 13:33



06/25/2019 13:42





06/16/2016 11:50



Overall view

Close up view





How to Comply with the Rule

Work Practice Standards

Interior

- Remove or cover all objects in the work area.
- Close and cover all ducts in the work area.
- Close or cover all windows and doors in the work area.
- Cover the floor surface of the work area with plastic sheeting.
 - At least 6 feet in all directions.
- Ensure that all personnel, tools, and other items including waste are free of dust and debris when leaving the work area.



How to Comply with the Rule

Work Practice Standards

Exterior

- Close all doors and windows within 20 feet of the renovation.
- Cover the ground with plastic sheeting extending out from the edge of the structure a sufficient distance to collect falling paint debris.
 - At least 10 feet in all directions.



How to Comply with the Rule

Work Practice Standards *Waste*

- During renovation, waste must be contained to prevent releases of dust and debris.
- At the end of each work day and at the end of the job, waste must be contained or enclosed to prevent release of dust and debris and prevent access.
- When the firm transports waste, it must be contained to prevent releases of dust and debris.



How to Comply with the Rule

Work Practice Standards

Cleaning

- After the renovation has been completed, the firm must:
 - Pick up all paint chips and debris.
 - Remove all protective sheeting.
 - Dispose of paint chips, debris and sheeting as waste.
 - Clean the work area until no visible dust, debris or residue remains.



Summary of RRP Rule Requirements



- The firm performing the work must be EPA certified.
- The firm must have a RRP certified renovator.
- The firm must follow lead safe work practices and document that they followed lead safe work practices.



Ensures renovations do not create new lead dust hazards in homes or child-occupied facilities



The Disclosure Rule (1018)

The Disclosure Rule



- Regulated Community
 - Property managers, real estate agents, landlords, sellers of pre-1978 housing
- Requirements
 - Provide EPA pamphlet, disclosure form, knowledge of lead to tenants/buyers

Disclosure Rule Requirements

- Provide lead warning statement
- Disclose known information
- Provide available reports
- Provide lead pamphlet
- Inspection opportunity (buyers)
- Retain records 3 years

Rule Scope

- Applies to all housing constructed before 1978
- Exceptions
 - Zero-bedroom dwellings
 - Housing certified lead-free
 - Housing for the elderly/disabled

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) ☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) ☒ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the seller (check (i) or (ii) below):

(i) ☐ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) ☒ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (Initial)

(c) ☒ Purchaser has received copies of all information listed above.

(d) ☒ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.

(e) Purchaser has (check (i) or (ii) below):

(i) ☐ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(ii) ☒ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (Initial)

(f) ☒ Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

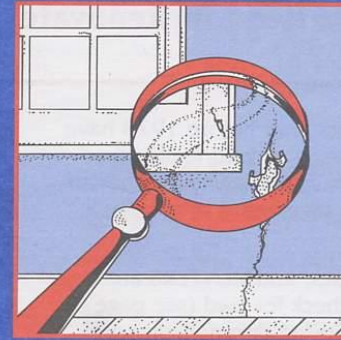
Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

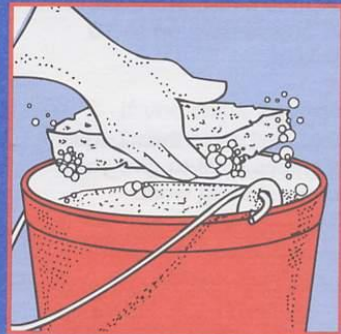
Seller	<u>[Signature]</u>	Date	<u>10/20/05</u>	Seller	<u>[Signature]</u>	Date	<u>10/20/05</u>
Purchaser	<u>[Signature]</u>	Date	<u>10-20-05</u>	Purchaser	<u>[Signature]</u>	Date	<u>10-20-05</u>
Agent	<u>[Signature]</u>	Date	<u>10-20-05</u>	Agent	<u>[Signature]</u>	Date	<u>10-20-05</u>

Lead-based Paint Disclosure Form

EPA Protect Your Family Pamphlet “Blue Book”



**Protect
Your
Family
From
Lead In
Your
Home**



 United States
Environmental
Protection Agency



United States
Consumer Product
Safety Commission



United States
Department of Housing
and Urban Development

Elements of Proper Disclosure

- Lead Warning Statement must be verbatim – needs to be exactly as written in the Code of Federal Regulations
- Different lead warning statement used for lease transactions and sales transactions
- Not required to use EPA's disclosure form but it is recommended
- All elements of the form are required in the sale or lease transaction or as an attachment to be in compliance with the Disclosure Rule

Elements of Proper Disclosure

Lead Warning Statement for Sales

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage , including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Elements of Proper Disclosure

Seller's Disclosure

- (a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below)
 - (i) ___ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain) _____
 - (ii) ___ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing
- (b) Records and reports available to the seller (check (i) or (ii) below)
 - (i) ___ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents) _____
 - (ii) ___ Seller has no reports or records pertaining to lead-based paint and/or lead based paint hazards in the housing

Elements of Proper Disclosure

Purchaser's Acknowledgement

- (c) ___ Purchaser has received copies of all information listed above
- (d) ___ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*
- (e) Purchaser has (check (i) or (ii) below)
 - (i) ___ received a 10 day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or
 - (ii) ___ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards

Elements of Proper Disclosure

Agent's Acknowledgement

(f) ____ Agent has informed the seller of the seller's obligations under 42 USC 4852d and is aware of his/her responsibility to ensure compliance.

Elements of Proper Disclosure

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

_____ Seller	_____ Date
_____ Purchaser	_____ Date
_____ Agent	_____ Date

_____ Seller	_____ Date
_____ Purchaser	_____ Date
_____ Agent	_____ Date

Elements of Proper Disclosure

Lead Warning Statement for Leases

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Elements of Proper Disclosure

Lessor's Disclosure

- (a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below)
 - (i) ___ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain)_____
 - (ii) ___ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing
- (b) Records and reports available to the lessor (check (i) or (ii) below)
 - (i)___ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents) _____
 - (ii)___ Lessor has no reports or records pertaining to lead-based paint and/or lead based paint hazards in the housing

Elements of Proper Disclosure

Lessee's Acknowledgement

- (c) ____ Lessee has received copies of all information listed above
- (d) ____ Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*

Elements of Proper Disclosure

Agent's Acknowledgement

(f) ____ Agent has informed the lessor of the lessor's obligations under 42 USC 4852d and is aware of his/her responsibility to ensure compliance.

Elements of Proper Disclosure

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

_____ Lessor	_____ Date
_____ Lessee	_____ Date
_____ Agent	_____ Date

_____ Lessor	_____ Date
_____ Lessee	_____ Date
_____ Agent	_____ Date

Elements of Proper Disclosure

- To be fully in compliance with the Disclosure Rule all elements of the Disclosure Form must be present
- Disclosure must be given before the lessor or seller is obligated to the contract
- Especially in sales transactions the seller needs to sign the form before the buyer



Summary of Lead Disclosure Rule

- Need to properly disclose known lead-based paint
 - Lead Warning Statement
 - Knowledge of lead-based paint in the home
 - Provide pamphlet and document receipt
 - Signatures of all involved
- Need to keep copies of the disclosure form for 3 years

Ensures buyer/tenant are aware of potential or known lead-based paint and/or hazards in the home BEFORE entering an agreement to lease/buy and are given information on how to protect their children from lead in a pre-1978 home.

The image shows the front cover of a pamphlet titled "Protect Your Family From Lead in Your Home". The cover has a dark blue background. On the left side, there are three black and white photographs: a family (father, mother, and baby) at the top, a crawling baby in the middle, and a row of townhouses at the bottom. On the right side, the title "Protect Your Family From Lead in Your Home" is written in large, white, bold letters. Below the title, there are three logos: the EPA logo (United States Environmental Protection Agency), the United States Consumer Product Safety Commission logo, and the United States Department of Housing and Urban Development logo. At the bottom left, the date "June 2017" is printed.



Enforcement

Enforcement

- What is an ERPP?
- Enforcement Response and Penalty Policy
- Developed by EPA HQ and the Regions. Guidance to determine appropriate enforcement response (warning letter, penalty action, referral, criminal) and penalty amount for TSCA lead violations
- Penalty based on several factors
 - ✓ Nature of violation
 - ✓ Circumstance of violation
 - ✓ Extent of harm resulting from violation



Enforcement

- EPA may suspend, revoke, or modify a firm's certification if firm is found to be in non-compliance.
- Non-compliant contractors may be liable for civil penalties of up to \$41,056 for each violation.
- Contractors who knowingly or willfully violate this regulation may be subject to criminal penalties of up to an additional \$41,056 per violation, or imprisonment, or both.



Enforcement

- EPA conducts inspections and enforcement in all Region 3 states (except for Delaware which is an authorized state implementing and enforcing their own RRP program)
 - Inspections result from:
 - Tips and complaints
 - Random Inspections
 - Inspections selected using permit data, database information, etc.

Helpful Links at www.epa.gov/lead

https://www.epa.gov/lead

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Lead

Strengthened Dust-Lead Hazard Standards to Protect Children from Lead Exposure

- Read the press release.
- Read the fact sheet for the Strengthened Dust-Lead Hazard Standards for Residential Lead-based Paint.

1 2 3 4

Make sure lead safety is a part of your renovation.

- Consumers find a Lead-Safe Certified firm.
- Renovation firms apply for lead-safe certification/qualification.
- Property managers know your responsibilities.

LEARN ABOUT LEAD

- Basic information about lead.
- Get educational materials about lead.
- Lead in drinking water.
- Lead in gasoline.
- Lead in solder and pipe.
- Lead testing.

PROTECT YOUR FAMILY

- Test your child.
- Check your home for lead exposure.
- Get a lead disclosure information for rental or home.
- Protecting Children from Lead Exposure Booklet.
- National Lead Laboratory Accreditation Program (NLLAP).

RENOVATE RIGHT FOR CONTRACTORS AND TRAINERS

- Renovation, Repair and Painting (RRP) Program.
- Information for contractors on the RRP Program.
- Become a Lead-Safe Certified firm or renovator/contractor.
- Locate an RRP training class or course.
- Become an approved RRP training provider.

Abatement and Evaluation Program

- Lead abatement, RRP.
- Lead abatement, residential, cleanup.
- Information on lead-based paint abatement.
- Locate an approved lead-based paint abatement program.
- Recent and upcoming lead abatement activities training provider.

Popular Topics and Resources

- Newsroom.
- Science and Technology.
- Laws and Regulations.
- Enforcement and Compliance.
- Business, Economics and Society.
- Environmental Data.
- Environment.
- Lead Paint Abatement.
- Children's Environmental Health.
- Healthy School Environment.

Have a Question?

- Contact the Lead Hotline.
- Contact the Safe Drinking Water Hotline.
- Read about frequently asked questions about lead.

Highlights

- June 21, 2019 - Strengthened dust-lead hazard standards to protect children from lead exposure. Learn more.
- April 1, 2016 - EPA released a status report describing activities the Agency had taken in support of the Lead Action Plan. Learn more.
- December 10, 2015 - President's Task Force announced the Lead Action Plan. Learn more.
- October 15, 2015 - EPA announced enforcement actions completed over the last year to ensure that renovation contractors, landlords, property managers, owners and others comply with rules that protect the public from exposure to lead. Learn more.

Report Unlicensed Contractors and Environmental Violations

Anyone can submit a tip/complaint to report unsafe violations. Just click on the shield, and then click your state.

Contact us to ask a question, provide feedback, or report a problem.

Hire a Certified Contractor to work on your pre-1978 property

EPA's informational brochures for contractors, parents, childcare centers, and more

Information about the Lead Disclosure Rule for those involved with purchasing or renting pre-1978 property

Firms (even if it is only one employee) can apply for firm certification

Individual renovators and workers can find one day RRP Renovator training



Enforcement

To report a complaint contact the lead hotline at:
1-800-424-LEAD or enter a complaint online at :
www.epa.gov/tips

Visit our website at: www.epa.gov/lead