

# EPA Lead-Based Paint Regulations

Presentation to the Veteran Affairs Administration and  
Current/Prospective Developers, Lessees, and Property  
Managers of Enhanced Use Lease Properties

March 13 & 14, 2024

PRESENTERS:

TAYLOR MURPHY

MOLLY MAGOON

MEGHAN LAREAU

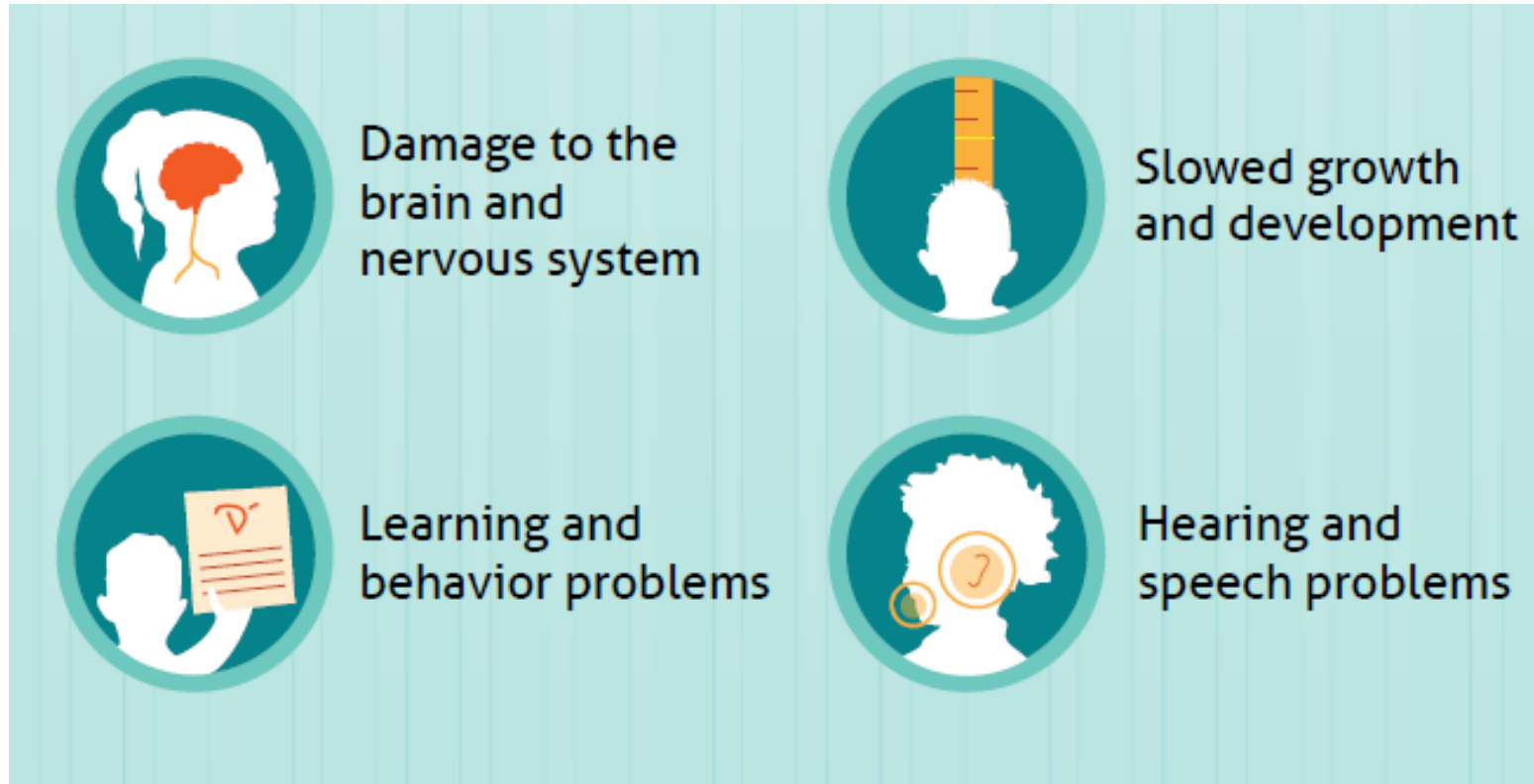
# Agenda

---

1. Lead Awareness: Impacts and Exposure
2. Lead Disclosure Rule – 40 C.F.R. Part 745, Subpart F
3. Renovation, Repair and Painting Rule – 40 C.F.R. Part 745, Subpart E
4. Lead Activities Rule – 40 C.F.R. Part 745, Subpart L
5. Questions

# Lead Poisoning in Children

Exposure to lead can be seriously harmful to children's health.  
There is no safe exposure level for lead.



CDC

This can lead to:

- Lower IQ
- Difficulty paying attention
- Underperformance in school

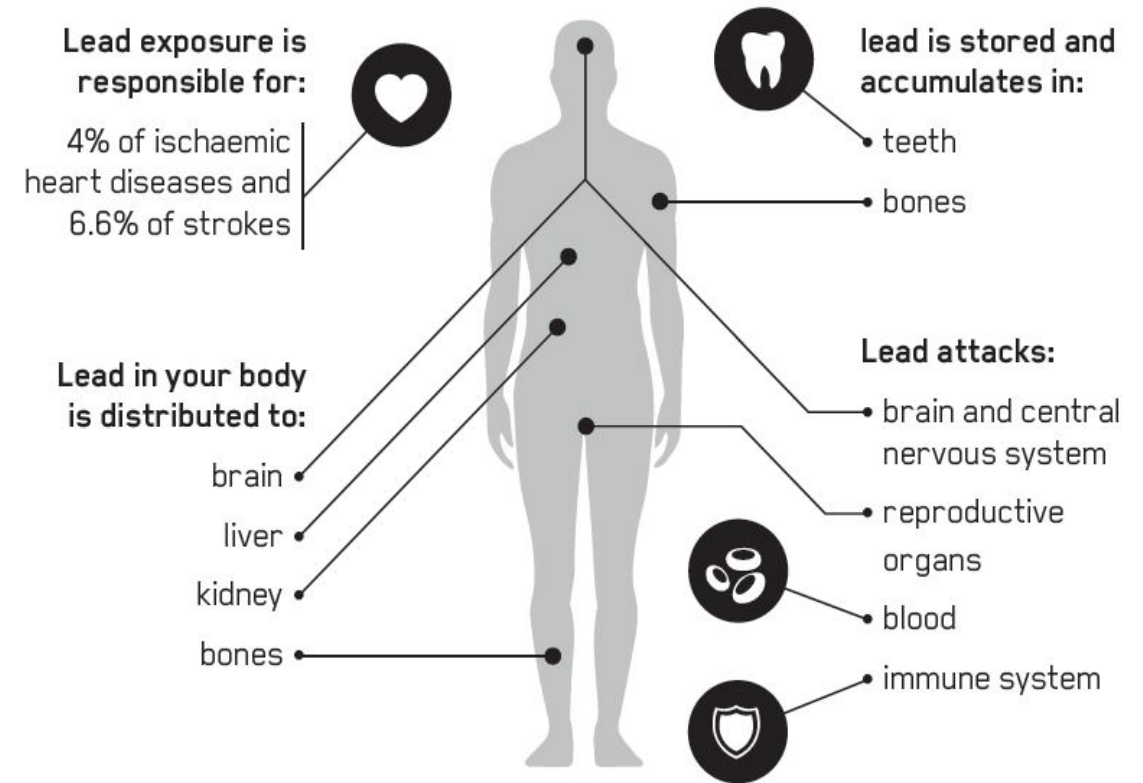
# Health Effects: Adults

Lead can affect almost every organ and system in the body, and some of the effects of lead poisoning may never go away

Lead has the potential to cause serious harm to adults, including pregnant women, workers and their families.

Possible health effects include:

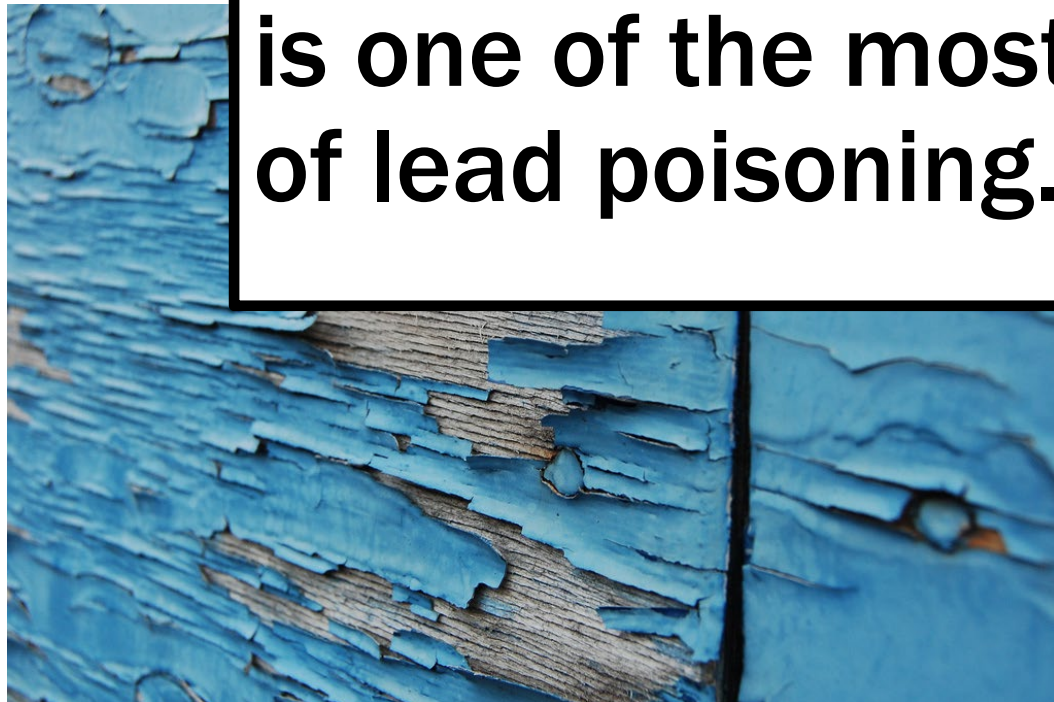
- Cardiovascular effects, including increased blood pressure and hypertension
- Decreased kidney function
- Reproductive problems





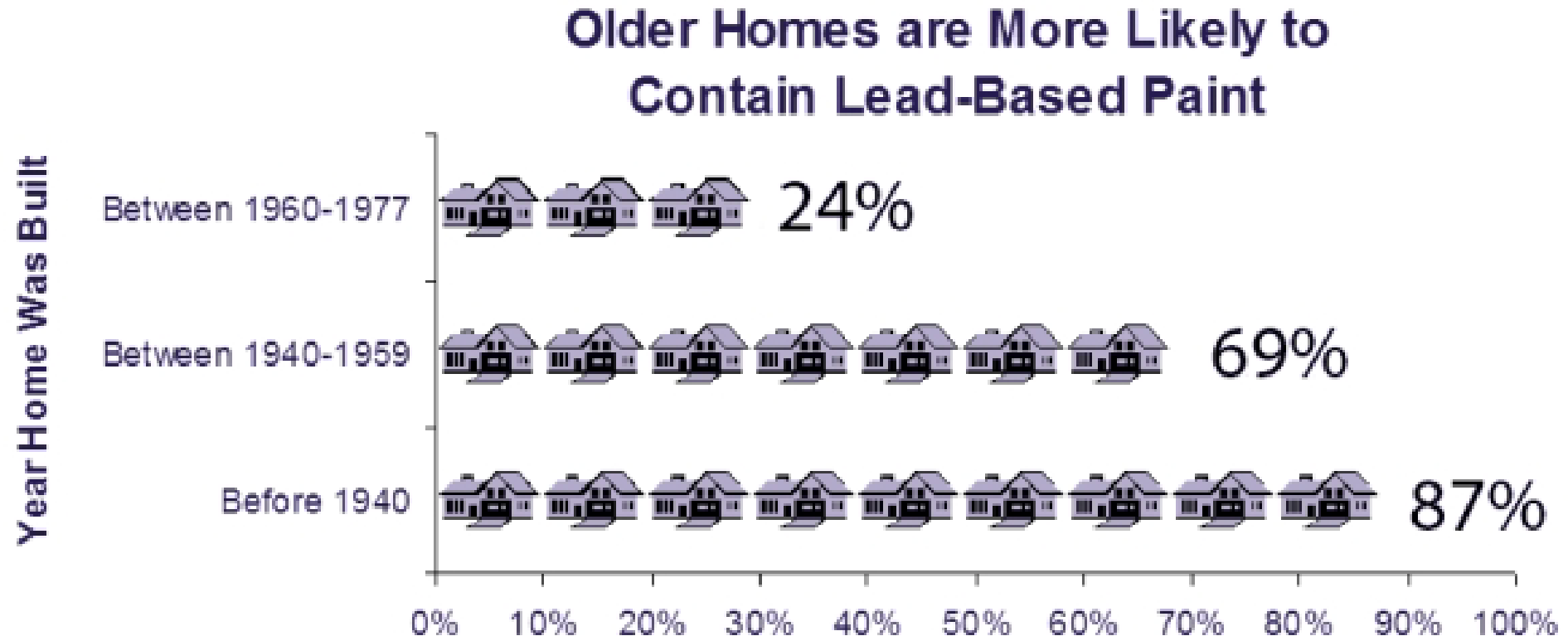


**FACT: Exposure to lead from paint, including lead-contaminated dust, is one of the most common causes of lead poisoning.**



# Lead Paint

Lead-based paint was used in over 38 million homes until it was banned for residential use in 1978.



EPA, *Protect Your Family Pamphlet*

# Lead Disclosure Rule

---

The purpose of the Lead Disclosure Rule is to inform potential lessees/purchasers of the presence of lead-based paint/lead-based paint hazards in pre-1978 housing so they have information necessary to protect themselves and their families from lead-based paint hazards **prior to** being obligated to purchase or rent pre-1978 housing.

# Lead Disclosure Rule

---

Applies to **SALES** and **LEASES** of homes built prior to 1978.

## DOES **NOT** INCLUDE:

- Housing built in 1978 or later
- Zero-bedroom units, such as efficiencies, lofts, and dormitories (unless children under 6 yrs. old live there).
- Leases for less than 100 days, such as vacation houses or short-term rentals.
- Housing designated for the elderly or disabled (unless children live there).
- Housing that has been determined to be lead-based paint free by a certified lead inspector





# Lead Disclosure Rule - Requirements

## Prior to Obligation to Rent or Buy Target Housing:

- 1) Provide a lead pamphlet ("***Protect Your Family from Lead in Your Home***") and have tenants sign an acknowledgment of receipt
- 2) Provide full and complete Disclosure, including:
  - A Lead Warning Statement
  - Disclosure of all known information regarding lead-based paint and lead-based paint hazards (or that no knowledge exist)
  - Provide copies of all available Lead reports (or that no records exist)
  - Sign and date Disclosure by Lessor, Lessee(s), and/or Agent
- 3) Retain disclosure documents and records for 3 years



The image shows the cover of a lead disclosure pamphlet. It features three photographs: a family with a baby, a crawling baby, and a row of houses. The title is 'Protect Your Family From Lead in Your Home'. Logos for the EPA, Consumer Product Safety Commission, and HUD are at the bottom right. The date 'March 2021' is at the bottom left.

**Protect Your Family From Lead in Your Home**

**EPA** United States Environmental Protection Agency

United States Consumer Product Safety Commission

United States Department of Housing and Urban Development

March 2021

# Lead Disclosure Rule – Sample Lessor’s Form

*Lead-based paint hazard* means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

Two Disclosure forms:

- Lessor’s Form (shown here)
- Seller’s Form (includes other requirements- 10-day opportunity to conduct lead risk inspection)

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

**Lead Warning Statement**  
*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.*

**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 lessee (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 below).  
\_\_\_\_\_  
\_\_\_\_\_

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

**Lessee’s Acknowledgment (initial)**

(c) \_\_\_\_\_ Lessee has received copies of all information listed above.

(d) \_\_\_\_\_ Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

**Agent’s Acknowledgment (initial)**

(e) \_\_\_\_\_ Agent has informed the lessor of the lessor’s obligations under 42 U.S.C. 4852(d) and is aware or his/her responsibility to ensure compliance.

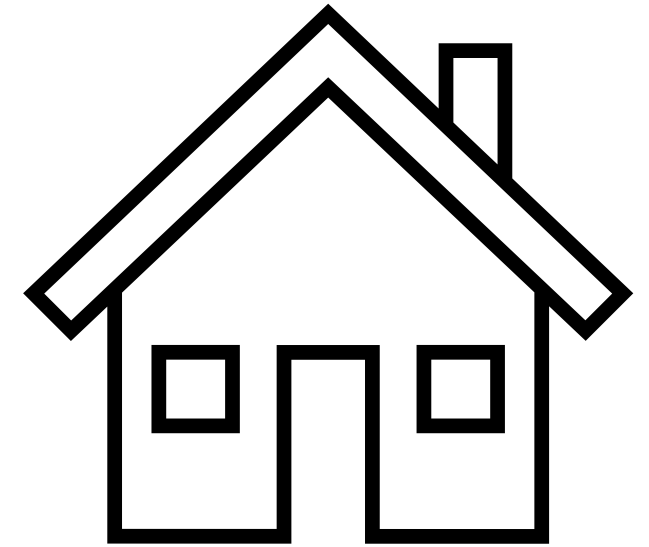
**Certification of Accuracy**  
The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

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

# Lead Disclosure Rule – Common Violations

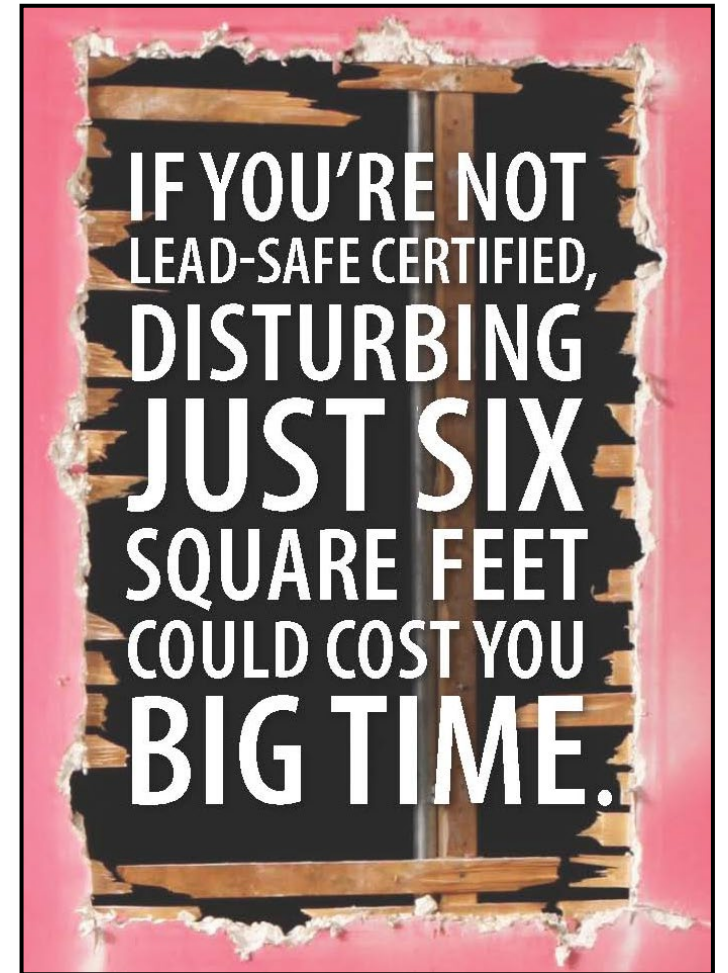
---

1. No disclosure given
2. Disclosure given, but it was given late
3. Partial disclosures
4. Listing lead paint records, but not providing copies
5. Forgery of signatures on disclosure forms – this is a criminal offense



# Renovation, Repair and Painting (RRP) Rule

- **Why should you care about the RRP Rule?**
  - Prevent lead exposures and protect staff, children, and families
  - Ensure renovations, repair and painting are done correctly by staff or contractors
  - Avoid Costly Fines: Statutory maximum penalty of **\$48,512 per violation per day**
  - Avoid civil liabilities of private lawsuits



# Renovation, Repair and Painting (RRP) Rule

Applies to anyone who performs, offers to perform, or claims to perform renovations **for compensation** that in pre-1978 homes or child-occupied facilities, including:

✓ General and specialty/trade contractors:

- ✓ Plumbers
- ✓ Electricians
- ✓ HVAC
- ✓ Painters
- ✓ Restoration/repair
- ✓ Window replacement

- ✓ Property management companies
- ✓ Landlords working on rental properties
- ✓ Fix/flippers
- ✓ Federal facilities
- ✓ Maintenance staff

Does **NOT** cover homeowners working on their own residence.





# Renovation, Repair and Painting (RRP) Rule

---

## EXEMPTIONS:

- Minor repair & maintenance activities
  - Activities that disrupt 6 sq ft or less of painted surfaces per room for interior activities or 20 sq ft or less of painted surfaces for exterior activities **and do not involve window replacements** or demolition of painted surfaces
- Renovations where all painted components affected by the renovation have been demonstrated to be free of lead-based paint by one of the following:
  - Written determination by a certified lead inspector or risk assessor
  - Certified renovator tests with an EPA recognized test kit
  - Certified renovator collects samples to be sent to an accredited lab
- Total demolitions of a freestanding structure
- **Lead Abatement Activities** performed in accordance with the Lead Activities Rule

# Lead Abatement

- Designed to **permanently eliminate** existing lead-based paint hazards
  - Replacement
  - Removal
  - Enclosure
  - Encapsulation
- Performed by a certified lead abatement firm with certified and trained professionals on staff
- More stringent containment and clearance requirements than renovations\*



**DO NOT CONFUSE THESE TERMS**

# Interim Controls

---

- Interim controls means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards
- The definition of a **renovation** includes interim controls
- Abatement means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

# RRP Rule – Major Requirements

- ✓ Provide an educational pamphlet “*Renovate Right*” to owners + occupants
- ✓ Obtain EPA lead-safe firm certification
- ✓ Assign a certified renovator
- ✓ Test for lead OR presume lead is present
- ✓ Utilize lead safe work practices
- ✓ Maintain records for 3 years



# RRP Rule – Firm Certification

**Firm** means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local Government Agency; or a nonprofit organization. 40 CFR § 745.83



**IT'S EASY TO  
APPLY TODAY!**

Applying to be a Lead-Safe Certified  
Renovation firm is easy.

You can complete the  
application process  
in minutes online.

[Apply Here](#)



- Apply and pay fee online at <https://www.epa.gov/lead/getcertified>
- Receive EPA Lead-Safe Firm Certification\*
- Make sure employees are trained in lead-safe work practices
- ***Renew every 5 years***

\* In states/tribes authorized to implement the RRP Rule, you may need to seek certification with the state/tribe: Alabama, Delaware, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oklahoma, Oregon, Rhode Island, Utah, Washington, Wisconsin, Vermont, Bois Forte Band of Minnesota Chippewa Tribe



# RRP Rule – Firm Responsibilities

---

## Firms performing renovations must ensure: 40 CFR § 745.89(d)

- 1) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with § 745.90.
- 2) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in § 745.90.
- 3) All renovations performed by the firm are performed in accordance with the work practice standards in § 745.85.
- 4) The pre-renovation education requirements of § 745.84 have been performed.
- 5) The recordkeeping requirements of § 745.86 are met.

# RRP Rule – Renovator Certification

## How to get a RENOVATOR (individual) certified:

- Visit [www.epa.gov/lead](http://www.epa.gov/lead) → RRP Program → Information for contractors → Renovator Training tab → [Locate an RRP training class or provider in your area](#)
- Renovator certifications are also valid for 5 years
- Online refresher will renew for 3 years; in person refresher will renew for 5 years

## Renovation, Repair and Painting Program: Contractors

If you are a renovation firm, then we recommend you read through all of the subjects below to learn how to fulfill your legal requirements to protect yourself, your employees, and your clients from the dangers of lead exposure.

Overview | [Firm Certification](#) | [Renovator Training](#) | [Work Practices](#) | [Resources](#)

Receive EPA  
Lead RRP  
Updates

Enter email address

Sign-Up

### Find a Course

To find available training course(s), first select the course, discipline and language, then select a state, from/to date range, and discipline. Additional training may be available, use the "Find a Trainer" tool and contact trainers regarding other course offerings.

#### Course:

- Initial  
 Refresher

#### Discipline:

- Renovator  
 Dust Sampling Technician

#### Language:

Select a Language ▾

#### State:

Select a State ▾

#### From:

#### To:

Search Courses

### Find a Trainer

To find your nearest EPA accredited training provider, search by the criteria below.

#### Discipline:

- Renovator  
 Dust Sampling Technician

#### E-Learning:

- Yes  
 No

AND

#### Location:

Example:

- 123 Main St., Anytown, ME, 20460
- 20460
- Anytown, ME
- Maine

#### Distance:

50 ▾

in miles

Search Programs

# RRP Rule – Renovator Responsibilities

- Renovators must presume the presence of lead or use a test kit and document results.
- Perform or direct work
- Must be physically present at the worksite to:
  - Post warning signs
  - Establish containment
  - Complete final work area cleaning
- Maintain a copy of initial and refresher course certificates on site during regulated work
- Must be available on-site or by phone at all times
- Provide and document on-the-job training
- Perform cleaning verification
- Prepare required records



# RRP Rule - Testing

---

- Testing is only required in order to exempt a project from lead-safe requirements (companies may *presume* LBP is present)
- Certified Renovators may test for LBP using an EPA-recognized lead test kit.
  - Each separate painted component\*\* that will be disturbed **MUST** be tested separately. No representative sampling is allowed.
- Comprehensive lead inspections must be performed by certified lead inspectors and comply with the requirements of the Lead Activities Rule.



# RRP Rule – Notification for Residents

---

The Firm must give the owner, and occupant if the occupant is not the owner, a pamphlet and acquire:

- Written acknowledgement of receipt no more than 60 days prior to the start of a renovation, or
- A certificate of mailing 7 days prior to the start of a renovation

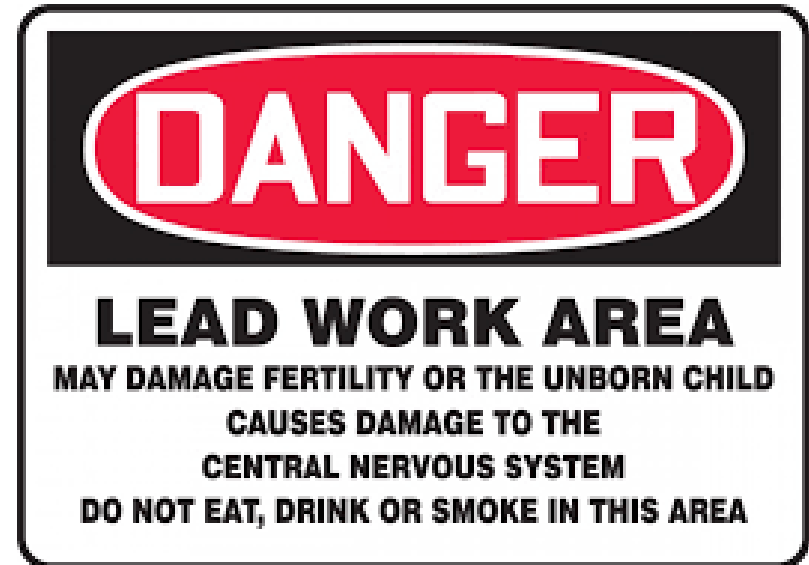
For renovations in multi-family common areas the firm must notify each affected unit

- Deliver written notice or post informational signs
- Post the pamphlet or information on how to obtain a copy
- Notify of any revisions to scope, location, and/or dates
- Prepare a written statement describing the steps taken to provide the pamphlet and notify all occupants



# RRP Rule – Work Practice Standards

- Warning signs
- Containing the work area: plastic on floor/ground, closing doors & windows, covering air vents, etc.
- Waste containment
- No use of prohibited practices: open flame burning, power sanding, abrasive blasting, heat guns above 1100°F
- Cleaning of work area
- Cleaning verification



# RRP Rule – Work Practice Standards: Containment

## Interior Projects

- Remove or cover all objects in the work area
- Turn off air conditioning and heating
- Close and cover all ducts in the work area, including return ducts
- 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



# RRP Rule – Work Practice Standards: Containment

---



## Exterior Projects

- 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 of the work area with plastic sheeting
- Vertical containment is required if the renovation will affect surfaces within 10 feet of the property line
  - Floor containment can stop at the edge of the vertical containment

# RRP Rule – Post Renovation 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
- Must use EPA approved HEPA vacuum to clean all surfaces

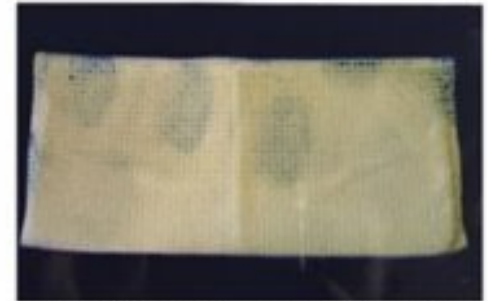
## Post Renovation Cleaning Verification

- Wipe floors, countertops and windowsills with wet cleaning cloth
- Use one cloth for each 40 square foot section of floor or countertop surface

EPA Post-Renovation Cleaning Verification card



Unused Wet Disposable Cleaning Cloth



Marginally Passing Wet Disposable Cleaning Cloth

The Card Is Good Until Last Day Of The Month And Year Indicated Below

Month	1	2	3	4	5	6	7	8	9	10	11	12
Year 20xx	14	15	16	17	18	19	20	21	22	23	24	25



# Examples of Noncompliance

---





# RRP Rule – Record Keeping Requirements

## The following records must be kept for 3 years:

- Customer-signed pre-renovation pamphlet delivery acknowledgement
- Renovation recordkeeping checklist with post renovation cleaning verification
- Renovator certificates
- Non-certified worker on-the-job training documentation
- Lead testing results
- Renovation 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 kit or test results from an EPA-recognized laboratory on collected paint chip sample, used by certified renovator to determine whether lead was present on components affected by renovation (identify method used, type of test kit used (if applicable), laboratory used to conduct paint chip analysis, 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)

Vertical containment installed if property line prevents 10 feet of ground covering, or if necessary 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.

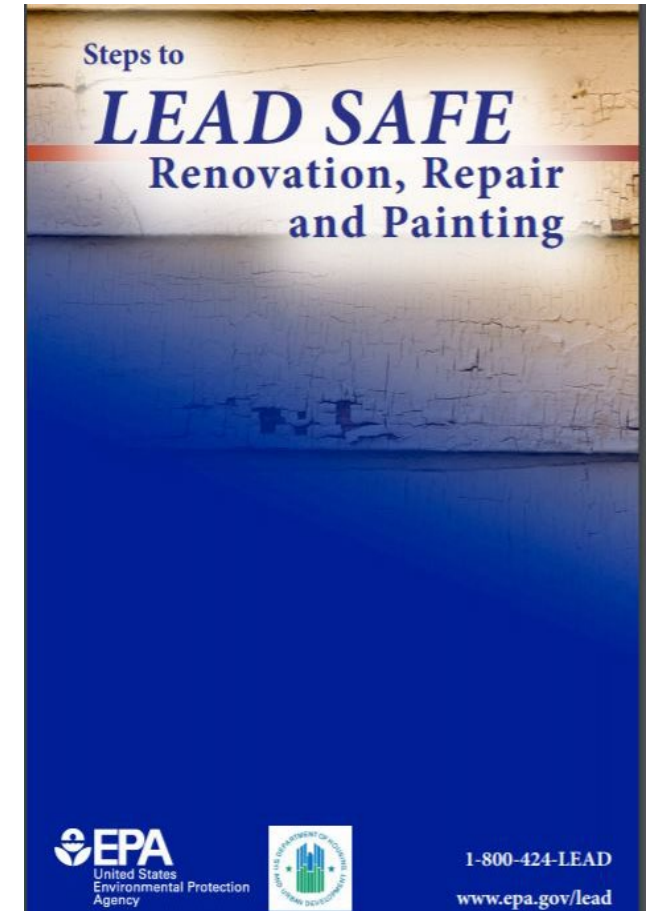
Name and title

Date

# RRP Rule – Common Violations

---

1. Failure to certify or recertify the Firm
2. Failure to obtain individual renovator certification or recertification
3. Failure to follow work practice standards
4. Failure to create and maintain records (pamphlet, lead testing, non-certified worker training, post renovation cleaning)
5. Failure to leave the work area clean



<https://www.epa.gov/lead/steps-lead-safe-renovation-repair-and-painting-october-2011>

# Lead Activities Rule

---

- Establishes work practice standards for:
  - Lead-based paint abatements
  - Risk assessments
  - Inspections
- Those performing these services must be trained and certified by EPA or an authorized state
  - EPA administers the program only where states, territories or tribes are not authorized to implement their own lead abatement programs.
  - Firm certification AND individual certification are required
- Notification of abatement activities – a certified abatement firm must notify EPA or the authorized state at least 5 business days prior to conducting lead-based paint abatement activities.

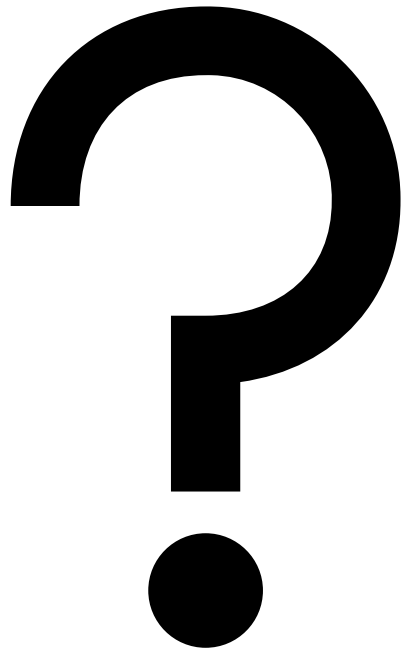
# Resources:

- EPA RRP site: <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program>
- Apply for EPA lead-safe firm certification: <https://www.epa.gov/lead/lead-renovationabatement-firm-certification-application-or-update>
- Search for renovator training: <https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.trainingSearch>
- Copies of brochures and sample recordkeeping forms: <https://www.epa.gov/lead/renovation-repair-and-painting-program-resources>
- EPA lead-based paint FAQs: <https://www.epa.gov/lead/answers-frequent-questions-about-epas-lead-renovation-repair-and-painting-rrp-rule>
- Search for Lead-Based Paint Professional (RRP certified firms, abatement firms and lead-based paint inspectors or risk assessors): <https://cdxapps.epa.gov/ocspp-oppt-leadhub/firm-location-search>



# Resources Continued:

- Small Entity Compliance Guide to RRP: [https://www.epa.gov/sites/default/files/2020-03/documents/small\\_entity\\_guide\\_9-23-11\\_w\\_new\\_cover.pdf](https://www.epa.gov/sites/default/files/2020-03/documents/small_entity_guide_9-23-11_w_new_cover.pdf)
- Renovate Right Pamphlet (RRP Rule): <https://www.epa.gov/lead/renovate-right-important-lead-hazard-information-families-child-care-providers-and-schools>
- Protect Your Family Pamphlet (Lead Disclosure Rule): <https://www.epa.gov/lead/protect-your-family-lead-your-home-english>
- Lead Disclosure Rule Interpretive Guidances: <https://www.epa.gov/lead/interpretive-guidance-real-estate-community-requirements-disclosure-information-concerning>
- Lead Activities Rule: <https://www.epa.gov/lead/lead-abatement-program-training-and-certification-program-lead-based-paint-activities-tsca>
- Lead-based paint abatement EPA notification form: <https://www.epa.gov/sites/default/files/documents/form1-abatement.pdf>



# Questions

---