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Part 2 – New Law Takes Effect

EPA Renovation, Repair, and Painting Misperceptions Can Cost You Dearly

As we reported last month, new EPA laws that can cost you a bundle, and some jail time, took effect on April 22. Here are some more FAQs and answers about lead-paint work

“Does only one employee need to be trained as a Renovator?”

At least one employee (or the only employee) in each company must be trained as a Renovator, and must train all of the other employees, direct the work, keep records, and be present when the warning signs are up and the containments (enclosures of polyethylene sheeting) are being built, and during clean up.

Firms with multiple work crews and multiple job sites will find it impractical to have just one Renovator. The Renovator must also be available, either on-site or by telephone, at all times that renovations are being conducted, and must carry copies of their training course completion certificate.

“Does an apartment owner have to be certified or trained?”

The company doing the work has to be certified. If owners hire companies to do the work, they do not have to be certified. If you hire an employee (including casual labor), they do have to be certified. The certification fee is \$300. If the owner personally does work on the building, they also have to be trained as a Renovator.

“Tenants won’t know work on actual or assumed lead-based paint is underway. Why tell them about it?”

EPA’s Renovate Right booklet must be given to tenants before the start of the work and signs must be posted where they will be seen.

The signs must describe the nature, locations, and dates of the renovation, and be accompanied by Renovate Right or by information on how parents and guardians can get a free copy.

No more than 60 days before beginning renovation activities, the firm or firms performing the renovation work must provide the owner of the unit with the Renovate Right pamphlet. They also must get from the owner a written acknowledgment that the

owner has received the pamphlet, and obtain a certificate of mailing at least seven days prior to the renovation.

If the owner does not occupy the unit, they must provide an adult occupant of the unit with a copy of Renovate Right to get written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the firm performing the renovation has been unsuccessful in obtaining a written

acknowledgment from an adult occupant.

The certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature.

Alternately, each firm performing renovation work may obtain a certificate of mailing at least seven days prior to the renovation. The regulation says, “To the extent practicable, these signs must be in the primary language

Lead-based paint is NOT everywhere, and is quite rare in buildings built from 1960-1978. The American Healthy Homes Survey of December 15, 2008, for the EPA reports lead-based paint in just 29% of homes in the West, and just 24% of homes built from 1960-1977.

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of the occupants.”

“Lead-based paint is everywhere, so shouldn’t I skip testing my building and disclosing the test results.”

Lead-based paint is **NOT** everywhere, and is quite rare in buildings built from 1960-1978. The American Healthy Homes Survey of December 15, 2008, for the EPA reports lead-based paint in just 29% of homes in the West, and just 24% of homes built from 1960-1977. Some of those results include lead-glazed ceramic tile. Even in buildings built before 1960, lead-based paint is most often found on exterior wood, wood windows and doors, and is sometimes also found on interior wood trim. It is far, far less common on interior walls and ceilings.

Stay tuned next month as we wrap up FAQ’s on this new law.

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