

EPA's New Renovation, Repair and Painting Rule

When is Compliance with the EPA Renovation, Repair, and Painting Rule Required?

Scope of Rule: Renovation, repair and painting activities on **target housing** or **child-occupied facility** built before 1978 performed for compensation after April 22, 2010. Renovation is any modification of any existing structure or portion of an existing structure that results in disturbance of painted surfaces.

- **Target Housing:** Housing constructed prior to 1978, except:
 - Housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities); or
 - Any 0-bedroom dwelling.
- **Child-Occupied Facility:** Building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. It also encompasses:
 - Only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias, not simply passed through.
 - Exteriors sides of the building immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

Activities Exempt from Compliance with the Requirements:

- **Abatement:** Activities conducted under abatement rules by certified abatement contractor.
- **Minor Repair or Maintenance Activities:** Activities that will disturb less than the following square feet of paint surfaces in 30 calendar days (counting all paint on a removed component):
 - 6 square feet per room for interior activities; or
 - 20 square feet for exterior activities.But this exemption does NOT apply to the following:
 - Window replacement.
 - Demolition of painted surface areas.
 - Using any of the following:
 - Open-flame burning or torching;
 - Machines to remove paint through high-speed operation without HEPA exhaust control; or
 - Operating a heat gun at temperatures at or above 1100 degrees Fahrenheit.
- **No Lead-Based Paint Will be Disturbed:** If one of the following methods is used to determine that the paint on the component to be disturbed was not lead-based paint:
 - Written determination by certified lead inspector or risk assessor; or
 - Proper use of EPA-recognized test kit by certified renovator. *Note that person contracting for the renovation must be informed of results by certified renovator within 30 days after renovation complete.*
- **Do-It-Yourself:** Work performed by owners themselves in their residence.

EPA'S RRP RULE DOES NOT PREEMPT MORE STRINGENT REQUIREMENTS SUCH AS THOSE BY HUD, STATES OR COMMUNITIES

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Limits on Scope of Rule:

- **Owner-Occupied Target Housing:** Exempt from training and work practice requirements if owner signs written statement that all apply:
 - No child under age 6 resides there. Resides means:
 - Primary residence of custodial parents, legal guardians, and foster parents; or
 - Informal caretaker's residence where child lives and sleeps most of the time.
 - No pregnant woman resides there; and
 - Not child-occupied facility.
- **Emergency Renovations Not Due to Elevated Blood Level:** Exempt from information distribution, warning signs, containment, waste handling, training and certification requirements to extent necessary to respond to emergency. However, cleaning requirements, cleaning verification, and recordkeeping still required. An emergency renovation is one that:
 - Is a sudden, unexpected event
 - If not immediately attended to:
 - Presents a safety or public health hazard; or
 - Threatens equipment and/or property with significant damage.
- **Emergency Renovations in Response to Elevated Blood Lead in Resident Child:** Interim controls are exempt from advance information distribution requirements.

Deadlines in EPA's Renovation, Repair and Painting Rule

Deadlines	6/21/08	12/22/08	4/22/09	10/22/09	4/22/10
Training Firms			May apply for EPA accreditation		Full Compliance Required
Renovation Firms				May apply for EPA certification	
Certified Renovators (Individuals)	Stop claims of training for EPA certification as renovator or dust sampling technician without accreditation.				
<i>New Renovate Right</i> pamphlet		New pamphlet must be used			
EPA-Recognized Test Kits	EPA recognizes negative tests				

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Advance Information Distribution Requirements

40 CFR 745.84

	Inside Dwelling Units in Target Housing	In Common Areas of Multi- Unit Target Housing	In Child-Occupied Facilities (including in target housing)
When to Notify?	No more than 60 days before beginning work (7 days if mailing).		
What to Deliver?	EPA Pamphlet ¹	Either: 1. Written notice to each affected unit; ⁴ or 2. Post informational signs ⁶ and EPA Pamphlet. ^{1,5}	EPA Pamphlet ¹
Documentation of Delivery to Owner	Owner's signature on acknowledgment ² or certificate of mailing.		
Documentation of Delivery to Adult Occupant	Same as above (for owner) or certify in writing that attempt made but was unsuccessful. ³	<i>See Additional Documentation Below.</i>	If facility is not owner, then same as above or certify in writing that attempt made but was unsuccessful. ³
Notice to Parents or Guardians	<i>No additional notice required.</i>	<i>No additional notice required.</i>	Provide EPA pamphlet and renovation information to parents and guardians by either: 1. Mail; 2. Hand delivery; or 3. Post informational signs ⁶ and EPA Pamphlet. ^{1,5}
Notice of Changes to Scope, Locations and Dates of Work	<i>None Required</i>	If notice given to each affected unit, update notice before initiating work.	<i>None required</i>
Additional Documentation	<i>None Required</i>	Signed and dated statement of steps performed to notify all occupants and provide them with EPA pamphlet.	Signed and dated statement of steps performed to notify parents and guardians and provide them with EPA pamphlet.
Post-Renovation 30-Day Notice to Person Contracting for Renovation.	<ul style="list-style-type: none"> • If EPA-recognized test kits were used, provide manufacturer and model of test kit used, description and location of components tested, and test kit results. • If dust clearance sampling is performed in lieu of cleaning verification, provide copy of the dust sampling report. 		
<p>¹ EPA's new "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools." The existing "Protect Your Family from Lead in Your Home" pamphlet can be used before 12/22/08.</p> <p>² Must acknowledge receipt of the EPA pamphlet prior to start of renovation and contain the address of unit undergoing renovation, name and signature of owner or occupant, and the date of signature. It must be in same language as contract for renovation for owner and for lease for occupant of non-owner occupied target housing.</p> <p>³ Certification requires: address of unit; date and method of delivery; names of person making delivery; reason for acknowledgement; signature of certified renovator; and date of signature.</p> <p>⁴ Notice must describe: general nature and locations of the planned renovation activities; the expected starting and ending dates; statement of how occupant can get pamphlet at no charge from renovation firm.</p> <p>⁵ If pamphlet is not posted then provide information on how interested occupants can review a copy of the pamphlet or obtain a copy from renovation firm at no cost.</p> <p>⁶ Signs must describe general nature and locations of the renovation and the anticipated completion date.</p>			

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Required Work Practices for Renovations

40 CFR 745.85

	Interior Renovations	Exterior Renovations
Information Distribution 40 CFR 745.84	<i>See Previous Table</i>	
Work Area Identification	Physical area that the Certified Renovator establishes to contain the dust and debris generated by renovation.	
Occupant Protection		
• Where to post signs?	At perimeter of work area	
• What to say on signs?	Warn occupants and others not involved in renovation to remain outside the work area. OSHA Lead Warning Sign is acceptable.	
• What language?	Primary language of occupants to extent practicable	
• When to post signs?	Before beginning renovation until after post-renovation cleaning verification is completed.	
Containing the Work Area		
• Isolate work area.	Take steps necessary to ensure no dust or debris leaves work area while renovation is being performed.	
• Maintain integrity of containment.	Ensure plastic and other impermeable materials are not torn or displaced.	
• Emergency exit	Ensure containment installed so that it does not interfere with occupant and worker egress in an emergency.	
Preparing the Work Area		
• Objects in Work Area	Remove or cover with impermeable material with all seams and edges sealed.	<i>Not Required</i>
• Ducts Opening in Work Area	Close and cover all ducts with impermeable material.	<i>Not Required</i>
• Windows and Doors in Work Area	Close windows and doors. Cover doors with impermeable material.	Close doors and windows within 20', and, on multi-story buildings, all below renovation.
• Access Doors	If door is used while job is being performed, allow workers to pass through while confining dust and debris to work area.	
• Floors / Ground	Cover with taped-down impermeable material 6' beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.	Cover with disposable impermeable material extending 10' beyond perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10' of such ground covering.
• Tools	Ensure all personnel, tools, waste containers and other items are free of dust and debris before leaving the work area.	<i>Not Required</i>
Prohibited and Restricted Work Practices	The following must not be used in the work area. <ul style="list-style-type: none"> • Open-flame burning or torching; • Machines to remove paint through high-speed operation without HEPA exhaust control; or • Operating a heat gun at temperatures at or above 1100 degrees Fahrenheit. 	

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	Interior Renovations	Exterior Renovations
Waste from Renovations		
<ul style="list-style-type: none"> • During Work 	Contain waste to prevent release of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from work area, it must be covered	
<ul style="list-style-type: none"> • End of Day and End of Work 	Collected waste must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of work area and prevents access to dust and debris.	
<ul style="list-style-type: none"> • Transporting Waste 	Contain waste to prevent release of dust and debris.	
Cleaning the Work Area		
<ul style="list-style-type: none"> • Paint Chips & Debris 	Collect and, without dispersing any of it, seal this material in a heavy-duty bag.	
<ul style="list-style-type: none"> • Plastic Sheeting 	Leave sheeting to isolate contaminated rooms in place under after cleaning and removal of other sheeting. Mist protective sheeting before folding it. Fold the dirty side inward. Tape shut to seal or seal in heavy-duty bags.	
<ul style="list-style-type: none"> • General 	Clean all objects and surfaces in work area and 2' outside work area cleaning from higher to lower	
<ul style="list-style-type: none"> • Walls 	Use HEPA vacuum ¹ or wiping with a damp cloth	
<ul style="list-style-type: none"> • Carpets and Rugs 	Thoroughly vacuum with a HEPA vacuum ¹ equipped with a beater bar.	
<ul style="list-style-type: none"> • Remaining Surfaces 	Thoroughly vacuum remaining surfaces and objects with a HEPA vacuum. ¹	
<ul style="list-style-type: none"> • Final Cleaning – Other Than Floors 	Wipe remaining surfaces and objects, except for carpeted or upholstered surfaces, with a damp cloth.	
<ul style="list-style-type: none"> • Final Cleaning – Uncarpeted Floors 	Mop floors thoroughly using a mopping method that keeps wash water separate from the rinse water or using a wet mopping system. ²	
Post Cleaning Verification	<i>See Next Table</i>	
<p>¹ "HEPA vacuum" means a vacuum cleaner which has been designed with a high-efficiency particulate (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.</p> <p>² "Wet mopping system" means a device with the following: A long-handle; a mop head designed to be used with disposable absorbent cleaning pads; a reservoir for cleaning solution; and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.</p>		

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Post-Renovation Cleaning Verification

40 CFR 745.85(b)

Activities	Windowsills	Uncarpeted Floors and Countertops in Work Area
Dust clearance testing is an option if contract or other rules require it.	<i>Permissible alternative to the steps below. Work area must meet EPA clearance standards.</i>	
Certified Renovator must personally perform all cleaning verification except recleaning. ¹	Required	
Step 1: Visually inspect work area for dust, debris, and residue.	Required	
Step 2: If failed visual, have it recleaned. ¹	Required	
Step 3: Wipe with wet disposable cleaning cloth. ²	Required. Cloth must be damp to touch.	Required. Cloth must be damp when used. One cloth per 40 square feet.
Step 4: Compare to cleaning verification card. ³ If lighter than card, then work passes.	Required.	
Step 5: If failed, have it recleaned. ¹	Required if failed 1 st wipe.	
Step 6: Wipe surface again with new wet disposable cleaning cloth. ²	Required if failed 1 st wipe. Can use clean surface of used wipe.	Required if failed 1 st wipe.
Step 7: Compare to card. If lighter than card, then work passes.	Required if failed 1 st wipe.	
Step 8: If failed, wait one hour or until dried completely whichever is longer.	Required if failed 2 nd wipe.	
Step 9: Wipe with dry, disposable cleaning cloth. ⁴ The work passes.	Required if failed 2 nd wipe. Passes even if darker than card.	
Notice to owner or occupant.	<i>None required.</i>	
¹ "Recleaning" means: <ol style="list-style-type: none"> 1) Thoroughly vacuum surfaces and objects in the work area with a HEPA vacuum. HEPA vacuum must have a beater bar when vacuuming carpets and rugs. 2) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. 3) Mop uncarpeted floors thoroughly using a mopping method that keeps wash water separate from the rinse water or using a wet mopping system (using disposable absorbent cleaning pads). ² "Wet disposable cleaning cloth" means a commercially-available, premoistened, white disposable cloth designed to be used for cleaning hard surfaces. ³ "Cleaning verification card" means a card developed and distributed, or otherwise approved, by EPA for the purposes of determining whether post-renovation cleaning has been properly completed. ⁴ "Dry disposable cleaning cloth" means a commercially-available, dry, electrostatically-charged, white disposable cloth designed to be used for cleaning hard surfaces.		

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Recordkeeping and Reporting Requirements

(40 CFR 745.86)

Firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation. This 3-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable State or Tribal laws or regulations.

Records that must be retained shall include (where applicable):

(1) **Exemptions:**

- a) Reports certifying that a determination had been made by a lead inspector or risk assessor that lead-based paint is not present on the components affected by the renovation, as described in § 745.82(b)(1).
- b) Any signed and dated statements received from owner-occupants documenting that the requirements of § 745.85 do not apply. These statements must include a declaration that the renovation will occur in the owner's residence, a declaration that no children under age 6 reside there, a declaration that no pregnant woman resides there, a declaration that the housing is not a child-occupied facility, the address of the unit undergoing renovation, the owner's name, an acknowledgment by the owner that the work practices to be used during the renovation will not necessarily include all of the lead-safe work practices contained in EPA's renovation, repair, and painting rule, the signature of the owner, and the date of signature. These statements must be written in the same language as the text of the renovation contract, if any.

(2) **Information Distribution:**

- a) Signed and dated acknowledgments of receipt as described in § 745.84(a)(1)(i), (a)(2)(i), (b)(1)(i), (c)(1)(i)(A), and (c)(1)(ii)(A).
- b) Certifications of attempted delivery as described in § 745.84(a)(2)(i) and (c)(1)(ii)(A).
- c) Certificates of mailing as described in § 745.84(a)(1)(ii), (a)(2)(ii), (b)(1)(ii), (c)(1)(i)(B), and (c)(1)(ii)(B).
- d) Records of notification activities performed regarding common area renovations, as described in § 745.84(b)(3) and (4), and renovations child-occupied facilities, as described in § 745.84(c)(2).

(3) **Certified Renovator:** Documentation of compliance with the requirements of § 745.85, including documentation that certified renovator:

- a) Was assigned to the project;
- b) Provided on-the-job training for workers used on the project;
- c) Performed or directed workers who performed all of the tasks described in § 745.85(a); and
- d) Performed the post-renovation cleaning verification described in § 745.85(b).
- e) Copy of the certified renovator's training certificate;

(4) **Work Practices:** Certification by the certified renovator assigned to the project that:

- (a) Training was provided to workers (topics must be identified for each worker).
- (b) Warning signs were posted at the entrances to the work area.
- (c) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

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- (d) The work area was contained by:
 - (A) Removing or covering all objects in the work area (interiors).
 - (B) Closing and covering all HVAC ducts in the work area (interiors).
 - (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
 - (E) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
 - (F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors);
 - (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
 - (e) Waste was contained on-site and while being transported offsite.
 - (f) The work area was properly cleaned after the renovation by:
 - (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
 - (g) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).
- (5) **Emergency Renovations:** If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed.