

Lead Renovation, Repair and Painting (RRP) Program

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Owners of properties built before 1978 have to comply with U.S. Environmental Protection Agency (EPA) lead safety regulations that govern common renovation and repair activities. Under the Lead-Based Renovation, Repair, and Painting Program (RRP), residential rental property owners and managers and contractors must comply with new notification, certification, and recordkeeping requirements.

The requirements generally affect anyone, except homeowners, who disturbs paint on the interior or exterior in pre-1978 housing. Not only does this include renovation and painting companies, but also rental housing owners and employees of property management companies who engage in work that disturbs painted surfaces. Activities covered under the regulations include remodeling, maintenance, electrical work, plumbing, painting, carpentry, and window replacement. Activities excluded from the requirements include minor repair and maintenance, defined as disturbing six square feet or less of paint per room inside or twenty square feet or less on the outside, and work performed at housing for elderly or disabled persons, unless children under the age of 6 reside or are expected to reside there. Also, painting that does not disturb the surface through sanding, scraping or other activities is not covered by the RRP.

Certification Requirement

As of April 22, 2010, work covered by the RRP must be carried out by a trained and certified renovator. Certification is achieved by successfully completing an 8-hour training course offered by an EPA-accredited training provider and is effective for 5 years after which time the renovator must successfully complete a refresher training course. Rental property employees who perform the work themselves must be trained and certified. Property management companies should also verify that any contractor doing work covered by the RRP is compliant. MHA is looking into the possibility of providing the 8-hour training course required by the RRP. More information will be provided on these courses as it becomes available.

The RRP rules also require that any firm that employs workers who are certified renovators or who perform tasks covered by the rule must be "accredited." Thus, rental property owners and/or property management companies must become accredited if employees are performing work covered by the RRP. Firm accreditation is achieved by completing an application and paying a \$300 fee and renewing it every five years.

Lead-safe work practices learned through the training course must be followed when activities covered by the RRP are undertaken. Examples of lead-safe work practices include work-area containment to prevent dust and debris from leaving the work area, the prohibition of certain work practices, such as open-flame burning and the use of power tools without HEPA exhaust control, and thorough clean up followed by a verification procedure to minimize exposure to lead-based paint hazards.

Notification/Education Requirement

Under a requirement already in effect, residents must be notified and provided with a copy of the EPA pamphlet, *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools* and confirmation of receipt of the pamphlet must be obtained. Note that this brochure is a different document than the EPA's *Protect Your Family* pamphlet that owners are required to provide to residents at the time of lease signing. When activities covered by the RRP are performed in common areas of rental housing, the renovator must distribute renovation notices or post informational signs accompanied by a lead pamphlet or description on how to obtain a free copy. The RRP regulations indicate that the notification requirements need not be implemented during emergency renovation situations. Copies of the *Renovate Right* brochure are available at www.epa.gov/lead/pubs/renovaterightbrochure.pdf.

Recordkeeping Requirement

Recordkeeping requirements are also imposed on owners or third-party contractors they hire to undertake work covered by the regulations. All RRP documents, including reports certifying that lead-based paint is not present, records relating to the distribution of the lead pamphlet, and documentation of compliance with the RRP program, must be retained for three years following completion of the renovation.

The RRP rules expand existing Lead Safe Housing (LSH) rules that have imposed comparable, but not identical, compliance obligations on pre-1978 properties that receive federal assistance, including Section 8 vouchers. Under the RRP rules, federally assisted properties must comply with the more stringent elements of both the LSH and RRP regulations. It should also be noted that a provision included in the Omnibus Health and Human Services Finance bill, which was ultimately signed by the Governor, provided the Minnesota Department of Health (MDH) with the authority to oversee compliance at the state level of the RRP requirements.

More information on this topic is available on the EPA website at www.epa.gov/lead/pubs/renovation.htm and the MDH website at www.health.state.mn.us/divs/eh/lead/prof/pre/index.html). In addition, an excellent resource published by the EPA for property owners and managers titled "Small Entity Compliance Guide to RRP Program" is available at www.epa.gov/lead/pubs/sbcomplianceguide.pdf.