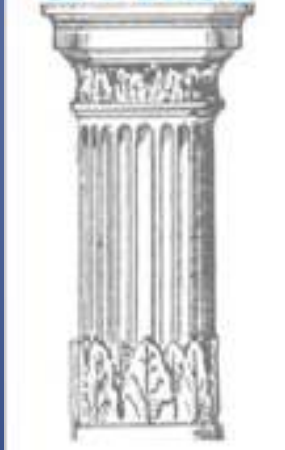


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EPA'S RENOVATION, REPAIR, AND PAINTING RULE:

Responsibilities for Real Estate Professionals Who Manage Property

Cameron C. Pease, Esq.
Goldman & Pease, LLC

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BASICS OF RRP RULE

- Effective April 22, 2010
- Applies to pre-1978:
 - Target housing
 - Child-occupied facilities
- Triggers:
- **40 CFR 745.80 to 745.91**
- **April 22, 2008 Federal Register**

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IMPACTS OF RRP RULE

- **8.4 Million renovation events annually**
 - Impact May drop to 4.4 million events
- **Estimated by EPA to add \$35.00 per job**
- **True Cost**

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WHY NOW?

- Final major rule from the Residential Lead-based Hazard Reduction Act of 1992
- Congress required rule to be finalized in 1996
- **Still to come:**
 - Public buildings built before 1978
 - Commercial buildings that create lead-based paint hazards



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ONLINE RESOURCES

- WWW.EPA.GOV/LEAD
- [WWW.EPA.GOV/LEAD/
PUBS/RENOVATION.HTM](http://WWW.EPA.GOV/LEAD/PUBS/RENOVATION.HTM)
- WWW.HUD.GOV/LEAD

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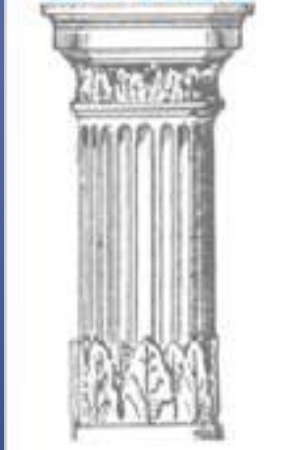
IS THERE A WAY OUT OF THE RULE?

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SCOPE OF RRP RULE

“Applies to all renovations performed for compensation in target housing and child-occupied facilities.” *40 CFR 7.45.80*

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MAJOR EXCLUSIONS

- House built in 1978 or later
- Not target housing or child-occupied facility
- Risk assessor or lead inspector has determined where lead-based paint is present and you avoid it

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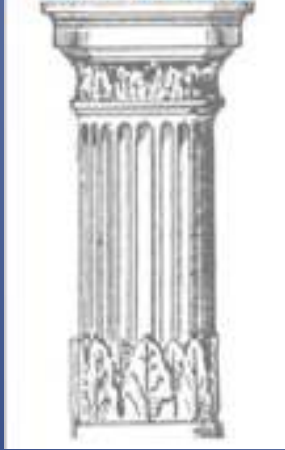
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MAJOR EXCLUSIONS -cont-

- Perform only minor repair and maintenance work
- Do-it-yourself – no compensation
 - Realistically only applies if tenant does work on tenant's unit
- Owner-occupied and no children and no pregnant women live there

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MINOR REPAIR AND MAINTENANCE

- Disrupts six square feet or less of painted surface per room for interior activities,
or
- **Twenty square feet or less of painted surface for exterior activities**

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WHAT ARE YOUR COMPLIANCE OPTIONS?

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KEEP WORK IN-HOUSE

- Yes, all but minor repair and maintenance is covered by the Rule.
- Have at least one Certified Renovator on staff.
- **Apply to EPA to become a Certified Renovation Firm**
 - Pay Fee
 - Renew every 5 years

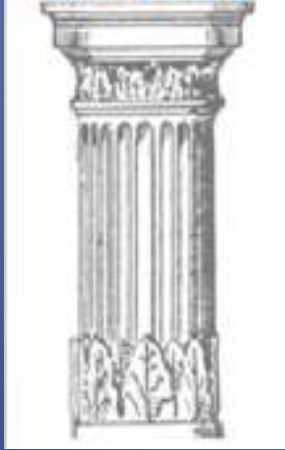


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Pre-Renovation Notification

- Pamphlets created by EPA
- Signed form for owner and occupants

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DURING RENOVATION ACTIVITIES

Certified Renovator must:

- **Do or Supervise:**
 - Posting of signs
 - Containing of work area
 - Cleaning of work area
 - Work in work area

- **Be available on-site by telephone when renovation underway**

- **Personally conduct “post renovation cleaning verification”**

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DURING RENOVATION ACTIVITIES

Certified Renovator must NOT:

- **Use prohibited/restricted work practices:**
 - **Open-flame burning or torching**
 - **Machines to remove paint through high-speed operation without HEPA exhaust control**
 - **Operating a heat gun at temperatures at or about 11000 degrees F.**
 - **Let residents into work area**
 - **Let dust or debris leave work area**

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DURING RENOVATION ACTIVITIES

Certified Renovator must:

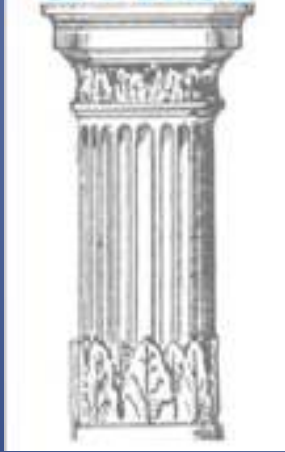
➤ **Use Plastic to cover**

- Floors
- Windows
- Doors
- Ducts
- Extend 6' beyond inside and 10' outside

➤ **Seal plastic at edges**

➤ **Use HEPA vacuum for cleanup**

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POST-RENOVATION CONDITION

- **No visible dust, debris, or residue in or below the work area**
- **Must conduct Post-Renovation Cleaning Verification**

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HIRING A CONTRACTOR

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CONTRACTOR QUALIFICATIONS

➤ Certified Renovation Firm

- Ask for certificate from EPA
- Check expiration date
- HUD listing of lead and Healthy Homes professionals

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CONTRACTOR QUALIFICATIONS -cont-

➤ Certified Renovator

- Works for Certified Renovation Firm
- Ask for certificate from accredited provider
- Check date – lasts only 5 years
- Check photo – must be on certificate

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EMERGENCY RENOVATION EXCLUSION

➤ Emergency renovation

- Sudden, unexpected event
- If not immediately attended to:
 - Presents a safety or public health hazard; or
 - Threatens equipment and/or property with significant damage

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EMERGENCY RENOVATION EXCLUSION -cont-

- **Exempt from** information distribution, warning signs, containment, waste handling, and training and certification requirements to extent necessary to respond to emergency

- **However, you MUST still follow:**
 - **Cleaning requirements**

 - **Cleaning verification**

 - **Recordkeeping**

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LIABILITY CONCERNS

- EPA penalty for up to \$32,500/day per violation
- New RRP rules set the stage for significant liability concerns
- **M.G.L. c. 93A**
 - Per se violation under 940 CMR 3.17
 - Multiple damages
 - Attorneys fees