

Lead is a toxic metal that has been used for many years in various products and building materials. Lead can also be emitted into the air from motor vehicles and industrial sources, and can enter drinking water from plumbing materials. Lead may cause a range of health concerns, from behavioral problems and learning disabilities to seizures and death. Children under age six are considered most at risk. The most common sources of lead poisoning include Deteriorating lead-based paint – “paint-lead hazard”; Lead contaminated dust – “dust-lead” hazard; and Lead contaminated soil – “soil-lead” hazard.

Regulations

Renovation activities can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children. To protect against this risk, the Environmental Protection Agency (EPA) issued on April 22, 2008 a “Final Rule” regarding Lead: Renovation, Repair, and Painting Program (see References), in the Federal Register, Vol. 73, No. 78. [‘Renovation’ includes all activities listed in 40 C.F.R. 745.83.] Under this rule, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools (built before 1978 and routinely used by children under age 6) must be trained and certified, and must follow specific work practices to prevent lead contamination, effective April 2010. However, NC Session Law 2009-488 (House Bill 1151) establishes requirements for Certifications and Accreditations as noted herein, effective *January 1, 2010*. For the text of this legislation, see <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1151v5.pdf> .

Beginning December 2008, it was required that, prior to performing renovation, repair and painting projects that disturb lead-based paint (interior—6 square feet or more; exterior—20 square feet or more), the responsible party must provide to parents and guardians of children under age six who attend facilities built prior to 1978 a copy of the EPA’s lead hazard information pamphlet “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools, available at <http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>. Until the specific requirements of 2010 take effect, contractors for projects which may disturb lead-based paint should, at a minimum, contain the work area, minimize dust, and clean up thoroughly.

Contractor Requirements, 2010

Issued under the authority of section 402(c)(3) of the Toxic Substances Control Act (TDCA), the rule requires the following:

- Renovations (as defined above) must be performed by certified firms
- Certified firms must use certified renovators to perform certain activities and will provide on-the-job training for uncertified workers
 - *A certified renovator is assigned to each renovation
 - *All persons performing renovation activities are certified renovators or have received on-the-job training by a certified renovator
- Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside the work area
- Before beginning renovation activities, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed
- Renovations are performed in accordance with applicable work practice standards
- Waste from renovation activities must be contained to prevent releases of dust and debris, and disposal made per applicable regulations
- After the renovation is complete, the firm must clean the work area. The certified renovator must verify the cleanliness of the work area using a procedure involving disposable cleaning cloths.

Certain dangerous work practices are prohibited for every renovation (including minor maintenance or repair jobs), including the following:

- Open flame burning or torching
- Sanding, grinding, needle gunning, or blasting with power tools and equipment not equipped with a shroud and High Efficiency Particulate Air (HEPA) vacuum attachment
- Using a heat gun at temperatures greater than 1100° F.

The EPA rule does not apply where it is determined that renovations will not involve lead-based paint. The determination can be made by a certified inspector or risk assessor, or by a certified renovator, using an EPA recognized test kit.

Training and Certification

Firms that perform renovations for compensation will apply to EPA or the state-approved program for certification to perform renovations. Firms will have to apply for re-certification as required by the applicable regulations.

A person can become certified by successfully completing an accredited renovator training course. To maintain certification, a person must complete an accredited refresher course every five years. Effective dates are as follows:

- Training programs may apply for accreditation beginning April 2009
- Renovation firms may apply for certification beginning October 2009 and must be certified before beginning work.
- After January 1, 2010, all renovations as described herein must be performed by certified firms in accordance with the work practice standards and associated recordkeeping requirements.

Implications for LEAs

After the 2010 deadline, for projects that will disturb more than 6 square feet (interior) or 20 square feet (exterior) of lead-based paint, the LEA should request the Contractor to provide a copy of the EPA or State-approved Lead Training Certificate, and an explanation of the lead-safe methods to be used. The LEA should share with the Contractor the results of any previously conducted lead tests. The LEA may wish to request that the Contractor provide references from previous clients.

During the remediation, the Contractor should keep records of lead-safe work practices that are followed. To make recordkeeping easier, the Contractor may utilize the EPA form “Renovation Recordkeeping Checklist” available at <http://www.epa.gov/lead/pubs/samplechecklist.pdf>. The LEA may wish to review these records periodically.

References

U S Environmental Protection Agency website regarding lead, at <http://www.epa.gov/lead>.

EPA website <http://www.epa.gov/lead/pubs/renovation.htm#requirements> titled “Lead in Paint, Dust, and Soil.”

EPA rules requiring lead-safe practices and other actions aimed at preventing lead poisoning, published at <http://www.epa.gov/fedrgstr/EPA-TOX/2008/April/Day-22/t8141.pdf>. See also minor revisions published at <http://www.epa.gov/fedrgstr/EPA-TOX/2009/July/Day-15/t16814.pdf>.

EPA brochure for contractors, at http://www.epa.gov/lead/pubs/contractor_brochure.pdf.

The National Lead Information Center (NLIC) of the EPA is a source for additional information, including a listing of contacts in your area. See <http://www.epa.gov/lead/pubs/nlic.htm>.

For rules regarding requirements for renovation, repair, and painting, see EPA publication at <http://www.epa.gov/lead/pubs/rrfactsheet2008.htm>.