

## **EPA Announces Expansion of New Lead Renovation, Repair and Painting Rule**

The [U.S. Environmental Protection Agency](#) has announced that its new [Lead: Renovation, Repair and Painting rule](#) will apply to all homes built before 1978. The agency is eliminating an “opt-out” provision that largely limited the regulation’s applicability to older homes that were the residences of pregnant women or children under six years old.

Expected to be enforced starting in July, the new mandate will increase the number of homes covered by the lead rules from an estimated 9.4 million to about 79 million, even though the EPA itself estimates that a significantly smaller number of homes — about 38 million — still contain lead paint.

The agency also gave notice that it is writing an additional rule to require more complex dust-wipe or clearance testing, effectively requiring remodelers to fill the role of lead-paint abatement workers. If approved, this rule would become effective in July 2011.

The announcement was made on Earth Day, April 22, the day before the new lead-based paint training and certification requirements for remodelers went into effect.

The rule requires remodelers and all other contractors disturbing more than six square feet of painted surfaces in pre-1978 homes to attend the required training and submit firm certification. It also dictates lead-safe work practices, pre-renovation consumer education and record keeping practices.

NAHB fought hard to delay the certification rule, citing a lack of trainers, ineffective lead-based paint test kits, long delays in the firm certification process and other issues related to a general lack of preparedness for the rule’s implementation.

Now that the rule is law, NAHB is recommending that its members avoid all work in pre-1978 homes unless they have completed their training and certification requirements. Members can [click here](#) to find a list of EPA-accredited trainers.

At an April 22 meeting of NAHB Remodeler trustees, Steve Owens, the EPA’s assistant administrator, and Maria Doa, director of the agency’s National Program Chemicals Division, were told by association members that removing the opt-out provision will only magnify the shortage of certified remodelers by increasing the number of homes subject to the new work requirements.

The EPA said that the opt-out provision could result in insufficient protection for children under age six and pregnant women who might move into a targeted pre-1978 home that had been renovated without following the new work procedures.

Eliminating the ability to opt out, it said, will result in “fewer homes being purchased with lead hazards created by renovation, repair and painting activities.”

In addition, removing the opt-out provision provides “protection for family pets, as lead poisonings resulting from renovations have been documented in both cats and dogs,” the EPA said.

Owens told a standing-room-only audience that the EPA would “work with NAHB to make the transition as smooth as it could be,” promising that those remodelers who had submitted the paperwork and fees for firm certification and completed their training by April 22 — but had not yet received that certification in the mail — would not be prosecuted. “You’re good to go,” Owens said.

He also agreed with concerns that the agency has been slow to get the word out to consumers and contractors about the rule’s requirements. “Certainly we could have had more awareness,” Owens said.

The agency has partnered with the non-profit [Ad Council](#) and the [U.S. Department of Housing and Urban Development](#) on a public relations campaign to increase home-owner awareness of the rule, he said, and EPA officials had spent the week conducting “a boatload of radio interviews.”

However, Owens said the EPA is not concerned that a shortage of certified remodelers will impede plans of the Obama Administration and Congress to offer incentives for weatherizing the nation’s older housing stock. “The [Department of Energy](#) does not think there will be any impact,” he said.

Citing the economic impact of the rule, a remodeler from Colorado said that he has already lost bids because of the additional expense and an Alaskan remodeler said the rule is likely to add between \$7,000 and \$10,000 to his company’s cost of a major home addition project. Doa shook her head and Owens affirmed the EPA’s estimate that the rule will add between \$8 and \$187 per project. “We stand by our analysis,” he said.

The agency said it was working on providing NAHB members with clarification on how the rule applies to homes under construction before 1978 but not completed until after that time, when lead paint was no longer allowed.

In addition to removing the opt-out provision, the rules set to take effect in July will require remodelers to give any records to their customers within 30 days of completing the job, including a checklist confirming that they followed the required lead-safe work practice steps.

The EPA also announced it will soon propose expanding the rule to public and commercial buildings.

NAHB is hosting a lead rule webinar free for members on Thursday, May 20, at 2:00 p.m. to answer questions about removal of the opt-out provision and to offer remodelers guidance on managing other requirements of the rule.

For more information, visit [www.nahb.org/leadpaint](http://www.nahb.org/leadpaint); or e-mail [Therese Crahan](mailto:Therese.Crahan@nahb.org) at NAHB, or call her at 800-368-5242 x8211.