

U.S. Environmental Protection Agency Lead-Based Paint (LBP) Program

**Real Estate Disclosure Rule
Renovate, Repair, & Paint (RRP) Rule**

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In the United States, the major current source of early childhood lead exposure is lead-contaminated house dust.

- ▶ **Exposure to lead in house dust is highest for young children.**
 - Frequent and extensive contact with floors, carpets, window areas, and other surfaces where dust gathers.
 - Frequent hand-to-mouth activity.
- ▶ **New lead dust hazards occur when lead in house paint is released during home renovation and remodeling activities.**
- ▶ **According to The American Medical Association Council On Science and Public Health (CSAPH Rep. 7-A-10),**
“...the primary exposure pathway of concern continues to be lead paint for most children”.

Real Estate Disclosure TSCA 1018

- ▶ The Disclosure Rule requires that potential buyers and renters of target housing receive certain information about LBP and LBP hazards in the residence prior to becoming obligated to buy or rent, and provides the opportunity for an independent lead inspection for buyers.
- ▶ Sellers, landlords, and agents are responsible for compliance. A seller or landlord of most pre-1978 housing is required to provide purchasers and renters with a lead hazard information pamphlet, and to disclose the presence of any known LBP and/or LBP hazards (including dust-lead hazards) to the purchaser or lessee.
- ▶ The seller or landlord also must provide any available records or reports “pertaining to” LBP and/or LBP hazards, including records showing lead is present at levels that would not constitute a hazard.

Real Estate Disclosure TSCA 1018 (cont.)

- ▶ Any known information concerning the presence of lead-based paint or lead-based paint hazards in the home or building.
 - For multi-unit buildings, this requirement includes records and reports concerning common areas and other units when such information was obtained as a result of a building-wide evaluation.
- ▶ An attachment to the contract, or language inserted in the contract, that includes a “Lead Warning Statement” and confirms that the seller has complied with all notification requirements.
- ▶ A 10-day period to conduct a paint inspection or risk assessment for lead-based paint or lead-based paint hazards. Parties may mutually agree, in writing, to lengthen or shorten the time period for inspection. Homebuyers may waive this inspection opportunity. If you have a concern about possible lead-based paint, then get a lead inspection from a certified inspector before buying.

RRP TSCA 402(c)(3)

► The RRP Rule requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have their firm certified by EPA (or an EPA authorized state), use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices.

- RRP Renovator
- RRP Firm
- Dust Sampling Technician
- RRP Certified Training Provider

Why does the RRP Rule exist?

- ▶ Lead was banned for use in residential paint in 1978 in the US.
- ▶ Lead paint still exists in some homes and schools today.
- ▶ Lead paint becomes dangerous when it breaks down or is disturbed.
- ▶ Renovation work on surfaces containing lead paint creates lead dust, which can be easily inhaled or ingested.
- ▶ In the United States, a major current source of early childhood lead exposure is lead-contaminated house dust.
- ▶ The use of lead safe work practices will prevent lead poisoning from the dust created by renovation and repair work.

When does RRP apply?

- ▶ During any renovation, repair, or painting project that is being done in a home, child care facility, or school built before 1978 that:
 - **Disturbs 6 sq ft or more of interior painted surface or 20 sq ft or more of exterior painted surface.**
- ▶ RRP applies to any Child Occupied Facility that was built before 1978.

The definition of Child Occupied Facility is a 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. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings.

When does RRP not apply?

- ▶ RRP does not apply in a commercial building that is not a school, daycare, or Child Occupied Facility.
- ▶ If a homeowner is doing renovation work themselves in their primary residence.
- ▶ If the intent is to do a lead paint removal, rendering the residence lead free.
 - Abatement
 - Demolition

There is no opt out option under RRP.

Lead-Based Paint Determination

- ▶ There are two valid LBP determinations:
 1. Written determination by certified inspector or risk assessor
 2. Written determination by a certified renovator using an EPA “recognized” lead test kit

- ◆ Recognized Lead Test Kits:
 - 3M LeadCheck (Wood or Ferrous Metal)
 - State of Massachusetts Kit (Drywall and Plaster)
 - D-Lead (Wood, Ferrous Metal, Drywall and Plaster)

EPA has published a list of these recognized test kits at <https://www.epa.gov/lead/lead-test-kits>

Emergency Renovations

Emergency renovations are those performed in response to situations necessitating immediate action to address safety or public health hazards or threats of significant damage to equipment and/or property.

The need for immediate action relieves firms from the pre-renovation education requirements, warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency.

The cleaning, cleaning verification, and recordkeeping requirements still apply.

Property Managers

On March 21, 2022 the agency withdrew two frequently asked questions regarding Property Managers and RRP Firm Certification.

When a PMC enters into a business relationship with the property owner, the PMC typically agrees to perform various property management services. In some circumstances, a PMC's services may be strictly limited to leasing and rent collection. **That circumstance would be unlikely to give rise to facts indicating that a PMC "performed" a renovation.**

More often, a PMC **agrees to provide—and is compensated** for—property management services that include **maintenance, repair, painting, renovations, or other activities that disturb painted surfaces** and may be subject to the RRP rule and require a certified renovator. In such agreements, oral contracts, or written contracts, the agreement obligates the PMC to perform the renovation. Whether the PMC **uses its own employees** to perform the work **or hires an outside firm to perform the work, the PMC remains obligated** by such an agreement with the property owner (and typically is compensated for fulfilling such obligations) to ensure that the renovation is performed.

Property Management Co. (PMC)

On March 21, 2022 the agency withdrew two frequently asked questions regarding Property Managers and RRP Firm Certification.

EPA recognizes that Property Management Companies (PMC) have varying levels of involvement.

Does my PMC need to become a Lead Safe Certified Firm?

If the PMC does any work that will disturb the painted surface in a target facility, the PMC must be a Lead Safe Certified Firm

If the PMC acts as the general contractor on maintenance, remodel, or renovation jobs then the PMC must be a Lead Safe Certified Firm

If the PMC is hired to perform administrative task only, (i.e. leasing and rent collection), then the PMC would not need to be certified.

Penalties -

- ▶ EPA may suspend, revoke, or modify a firm's certification if firm is found to be in non-compliance.
- ▶ Non-compliant contractors may be liable for civil penalties of up to **\$41,056.00** for each violation.
- ▶ Contractors who knowingly or willfully violate this regulation may be subject to fines of up to an additional **\$41,056.00** per violation, per day, or imprisonment. In some cases fines and imprisonment could both be applied.

To report violations contact Region 6 at 800-887-6063

<https://echo.epa.gov/report-environmental-violations>.

How to comply with RRP?

- ▶ Always hire EPA Lead Safe Certified Firms.

Look for the logo



- ▶ Certified Firms must have at least one certified renovator at the job site.
- ▶ Certified renovators must carry the certification credentials with them on the job.
 - Must be presented when requested.
 - Must have a high definition color photo printed directly on the document.
 - May be laminated "drivers license" size, or can be 8.5 x 11 paper.

How do I locate an EPA accredited RRP firm or training provider?

▶ **Visit the EPA Lead website. <http://www.epa.gov/lead>**

- You can find a certified renovation firm in your area
- You can find an accredited training provider in your area

▶ **Or call the EPA Region 6 lead education and outreach hotline 214-665-7577.**

Thank you!