

Hammer

M A G A Z I N E TM

The region's most circulated news magazine for Builders, Remodelers, Architects, Designers & Real Estate Professionals

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CAUTION

POISON

LEAD HAZARD AREA

DO NOT ENTER WORK AREA
UNLESS AUTHORIZED
RESPIRATORS AND
PROTECTIVE CLOTHING
REQUIRED

NO EATING, DRINKING, OR
SMOKING PERMITTED



Remodeling projects (kitchens, baths, extensions, window replacement, etc. in homes built prior to 1978 must be treated as hazardous sites and posted as such.

On April 22, 2010, virtually every remodeling trade will be affected. Workers and companies will need government sanctioned training and certification. Newly mandated lead-safe construction methods could add multiple hours to any project and perhaps thousands of dollars to the entire contracted job.

**BUILT PRE-1978? NEW EPA LEAD SAFE PAINT WORK RULES
COULD MAKE THESE HOMES TOO HARD TO HANDLE... see page 10**

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Featuring:

ENERGY & ENVIRONMENTAL
UPDATE

Circulated to an estimated 39,000 readers including members of these major building organizations...





EPA LEAD SAFE WORK RULES, DESIGNED TO

Cover Story



Pre or post 1978 construction? Don't count on the homeowner to know. To be sure, see a deed, title, or contact the local town. A more practical method is to use a lead indicating test kit. There are specific techniques you must follow, part of what you will learn during certification training.

article by **John Rigrod**

If you are in the construction industry, Thursday, April 22, 2010 will be a day that will live in infamy. It may also be the first day that you will go to work unsure if you are still in business, have a job, or be liable for prosecution or fines that could equal as much as \$37,500 per day for a civil penalty for failure to comply with new EPA regulations, plus an additional \$37,500 criminal penalty and possible jail time for willfully or wantonly ignoring the new requirements.

A tsunami on the horizon has been in play since at least 1995 and its name is Lead Paint Disturbance, or officially, "Renovating, Repair, and Painting (RRP)".

Accepting all the known concerns about lead and how it dramatically affects the human body, especially that of young children, it is not wrong to try and change the way we deal with lead paint and its disturbance. The problem is the new legislation that goes into effect this April is draconian. It is overly oppressive to those who must follow it. It is dangerous to those who take responsibility, and it could quite possibly ruin the home improvement business throughout the United States and create even worse problems for our economy.

Years ago, major concerns about lead paint originated within the inner cities when it was determined that inhaling lead dust or ingesting lead paint chips by children was connected to a decrease in IQ, among other ailments that include learning disabilities and behavioral problems that affect childrens' brains and developing nervous systems. Lead is also harmful to adults and can pose many dangers including high blood pressure and hypertension.

Pregnant women exposed to lead can transfer lead to their fetus.

For centuries lead paint was used everywhere due to its ability to produce strong, vibrant colors that could stand up to ultraviolet rays and the weather. Used liberally indoors and outdoors, lead paint wasn't outlawed by the federal government until 1978. Ironically, as the use of lead paint was phasing out, reports of careless lead paint practices increased. Elevated railroad structures were being sandblasted with lead contaminated dust blowing a few feet away into open windows of homes and other facilities, including schools, and were making



Safe lead paint practices apply to the exterior of a building as well. When exterior lead painted surfaces are disturbed, outside containment is also required. This involves rolling heavy gauge plastic a minimum of 10 feet out from the building with further extension of the sheeting when working on two stories or above.





PROTECT HEALTH, WILL CHANGE YOUR LIVES!



What's wrong with this picture? As of April 22, 2010, practices in your business must change dramatically. For example, no more open windows or exhaust fans, respirators instead of dust masks, and heavy duty plastic everywhere to capture any lead paint tainted debris. Failure to do so will cost you a fortune.

headlines on a constant basis. Up until today, although much has been done to control lead paint contamination on the commercial side, little progress has been made in the residential arena.

Back in 1998, training courses regarding lead paint and its handling were promoted and presented by HUD (the U.S. Department of Housing and Urban Development). On our local level, the New York City/Long Island Chapter of the National Association of the Remodeling Industry (NARI) offered a two day HUD workshop training remodelers in safe practices in handling lead paint within renovation projects. The theory was to contain lead paint chips and dust, mostly by lining the floor area of a project with heavy gauge plastic and to isolate the area with the same plastic installed from floor to ceiling. Sanding and scraping were disallowed and water misting of surface areas was recommended. Clean up included washing with detergent mixed water, and the use of a HEPA (High Efficiency Particulate Air) filter vacuum was recommended. By law, pamphlets were to be handed out by the trades to owners and occupants of any property built prior to 1978

informing all of the dangers and the best practices for dealing with construction and renovation where lead paint could be found. Contractors were to receive signed confirmation by the recipient to prove the pamphlet had been offered. But the original tsunami relating to impending, federally mandated safe lead paint practices never happened. This was because whatever rules and regulations that were conjured up more than a decade ago were never fully established or enforced. The panic in 1998 within the construction industry was short-lived.

Around 2005, lead paint started to become an issue once again and the U.S. Environmental Protection Agency (EPA) began to promulgate new laws and actions regarding this topic. Major trade associations including the National Association of Homebuilders (NAHB) and NARI worked to influence intelligent legislation but apparently failed in their mission. New laws were enacted in 2008 that dictate a policy of dealing with lead paint that will lead to great inconvenience and even greater expense to the contractor who will be forced to pass it on to the customer who resides in an older home. In a time where



the construction industry is fighting for its life and many stimulus dollars are expected to arrive via rebates from government and utilities for weatherization upgrades to older homes, the inability for most of the construction workforce to work on these homes after April 22 due to lack of training, certification, etc. could cause dire harm to the entire industry nationwide.

Just how dramatic an impact will this new legislation make? Almost anyone dealing in the remodeling industry has to ramp up quickly just to be legal, an almost impossible task. This new legislation affects builders and contractors, carpenters, painters, sheetrockers, plumbers, electricians, those who do windows, siding, roofing, HVAC, and more. The way the law reads, where lead paint exists, if you must disturb a total area of more than 6 square feet of an interior remodeling project or 20 square feet of an exterior project, you must notify your customer with an EPA pamphlet that explains the dangers of lead paint. Due to mandatory posting of warning signs, the surrounding neighborhood will also be notified of the existence of lead paint in your project and its danger. But that is only the beginning.

As of April 22, 2010, your business must be registered with the EPA, and at least one of your workers must be properly trained and certified by a government certified training company in order to work on homes built prior to 1978... unless you can prove they are lead paint free or qualify for an opt out if no children are living in the home or will be visiting on a constant basis, i.e.; a grandparent babysitting daily for a child under six years old. Pressure and litigation from environmental and child advocacy groups may put an end to this opt out provision. Worker training for certification, when available, is usually in an 8 hour day with costs estimated to be in the area of \$200 to \$300 per person.

Your company must have that certified person fill out and sign off on forms that state in detail how the lead safe practices were satisfied. With the due date rapidly approaching, the EPA has up to 90 days to approve and return an application of certification submitted by a company. Therefore, it is most probable that you will not have proof of certification by the April 22 deadline (not by

coincidence, Earth Day), nor will an estimated 98 percent of contractors across the country be properly trained and certified prior to this date, subjecting most of the country's contracting force to fines up to \$37,500 per day per incident. To many, what a remodeling company must do in the way of practices and paperwork is seemingly overwhelming and puts the company and/or individual workers at great risk for penalty, even jail. Then there is also the question of liability and whether present insurance policies cover any claims related to lead paint disturbance.

Here is what is expected by the federal EPA. These practices are to be enforced nationwide:

First, as required since 1996, landlords and paid renovators/contractors performing renovation, repair, and painting projects that disturb lead based paint in pre-1978 housing and child-occupied housing built prior to 1978 should have been presenting an EPA lead hazard information pamphlet prior to commencing work. Originally titled *Protect Your Family From Lead in Your Home* and recently renamed *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*, the new "Renovate Right" pamphlet must be given to owners and occupants of any home built before 1978 that will be receiving renovation of "six square feet or more of painted surfaces in a room for interior projects, or more than 20 square feet of painted surfaces for exterior projects in housing, child care facilities, and schools built before 1978". The new rules do not apply to minor maintenance or repair activities "where less than six square feet of lead based paint is disturbed in a room, or where less than 20 square feet of lead based paint is disturbed on the exterior". Notably, window replacement is not considered minor maintenance or repair and even one window replacement requires full compliance with lead safe paint requirements. Presently, do it yourselves do not seem to be affected by this new, impending legislation. In other words, assuming you understand the dangers of lead paint dust and chips, it's OK for you to poison your children, but if you bring in a remodeler, he or she had better be well-trained, well-equipped, and ready to take on any impending liabilities.

In its reams of literature and information available at



Charlie Dorsey, a representative of manufacturer Gorell Windows & Doors, who has taken the EPA course and is certified, demonstrates some of the techniques and products necessary under the new federal requirements at an educational seminar hosted by Daystar Window Distributors of Farmingdale, New York.



Remodelers' Fashion Statement, 2010



Accessory 5 gallon bucket must be filled with water and lead cleaning solvent. Used to clean tools prior to their leaving the containment zone.

10° below zero or 110° in the shade, if you work within an interior or exterior containment area you must be clothed appropriately as indicated above. Before leaving the containment area, you must remove in a prescribed manner (roll disposable suit within itself, etc.) your outer boots, both sets of gloves, your disposable suit, respirator, and goggles. When you return to the area, you must suit up accordingly using new gloves and work suit. Besides fogging masks and discomfort, voice communication through the mask will be distorted. Regulations vary e.g.; federal, state, or territory.



www.epa.gov (search “lead paint”), there is an overabundance of material for review. Many documents are available on the web, some National Lead Information Center material is available via Fax-on-Demand, and printed materials are also available by calling (800) 424-LEAD. To give you an idea how thoroughly the federal government has taken on this topic, there are over 150 pamphlets available from “Fact Sheet: Learn About Lead” to “Recommendations for Blood Lead Screening of Young Children: Targeting a Group at High Risk”, and over 2,800 links to various sub-topics. Some pamphlets are available in English, Spanish, Russian, Arabic, Somali, etc. Because posted warning signs are required to be in the occupants’ native language, how do you cut through it all, especially if you are working in the Borough of Queens?

Suggested reading includes going to the EPA site and searching for “National Lead Information Center Document Request Form”. Next, search for “Renovation, Repair and Painting (RRP)”, and then “Applying for Certification to Conduct Lead-Based Paint Activities and Renovations”. Another perspective can be found in the EPA’s brochures, “Renovator and Trainer Tool Box”.

Now to the costs of doing business. In the “Applying for Certification” material, there is a fee schedule. A combined “Renovation and Lead-based Paint Activities Firm Application” costs \$550. “Renovation Firm Certification” (the one most typical to the remodeling industry) costs \$300. A call to a friendly voice at (800) 424-LEAD, option 9 helped us through the clutter. Basically, if you are performing work in only one state, you are most likely considered a Renovation Firm. You must certify your company with the EPA for a \$300 fee. The fee of \$550 would only be if you are doing business at a much higher level; for example, you are a certified inspector, a certified risk assessor, or a certified lead abatement contractor. Working in multiple states or territories costs extra.

At least one person in the firm must be trained by an EPA approved trainer to work on older homes. That person then becomes responsible for overseeing the work practices of other people on the jobsite. This would include instructing those who were not officially trained elsewhere and making sure that the various required work practices are being done correctly. The firm’s certified employee oversees the setting up of the containment area, monitors the job, and must be on-site during a most serious clean up. Required paperwork would also be under the responsibility of this person. The problem is, if the containment portion of the project is inadequately performed, or incorrect, or lead safe practices are ignored or compromised by the workers, the company is responsible for the liability. Will the EPA certified employee also be responsible for the failure?

Those in the construction industry will also have to learn about the proper equipment and materials that are necessary to the new way of doing business. As of this date, 6 mil plastic is recommended. There is a whole process for containing dust and debris, also packaging of demolition materials for disposal. Debris is to be misted with water, wrapped in plastic, and taped closed. A high efficiency particulate air filter (HEPA) vacuum cleaner (make sure it is rated at .3 microns or better) with a beater bar (at an



Shown above are many of the items discussed or demonstrated during a full day of certification training. The Splenda packet represents the government’s concept that as little as one packet size (1 gram) of lead paint dust, if not contained, could contaminate a typical home.



New containment requirements insist upon heavy gauge plastic covering the floor of the work area and a specially created entrance/exit doorway comprised of two separate sheets of plastic with a reinforced pass thru. Upon completion of work within the containment area, various methods of cleaning including HEPA vacuuming and damp mopping are demanded. Final inspection, which must be documented, includes a "white glove test" that uses disposable cleaning cloths (maximum use, 40 square feet per cloth). Upon final wipe down, they cannot be darker than a photographed comparison sample generated by the government. Dry electrostatic cloths are also used and lead testing kits are also part of the new equation.

Because this is a federal EPA mandate, to ask for a postponement of this law or to influence a modification to this new lead safe legislation, effective on Earth Day, April 22, 2010, please contact your federal representatives for New York State as listed.

Senators (U.S. Senate)

Kirsten E. Gillibrand
155 Pinelawn Road, Suite 250 N
Melville, NY 11747
gillibrand.senate.gov/contact
(631) 249-2825

Charles E. Schumer
145 Pinelawn Road, Suite 300 N
Melville, NY 11747
schumer.senate.gov/contact
(631) 753-0978

EPA: Slow
down...
You're
moving
way too
fast!

NARI NYC/LI Proposes A Protest March On Washington Tuesday, April 13th

Many national trade associations and manufacturer's alliances are working their contacts in Washington, DC. Late in the game could be a March on Washington from members of trade organizations throughout the USA championed by NARI's local chapter. For the latest news and confirmation of the date, time, and transportation details, contact: (631) 673-NARI, www.nari-ny.org

Representatives (U.S. Congress)

Gary L. Ackerman District 5
218-14 Northern Boulevard, Suite 204
Bayside, NY 11361
ackerman.house.gov
(718) 423-2154

Timothy Bishop District 1
3680 Route 112, Suite C
Coram, NY 11727
timbishop.house.gov
(631) 696-6500

Steve Israel District 2
150 Motor Parkway, Suite 108
Hauppauge, NY 11788
israel.house.gov
(631) 951-2210

Peter T. King District 3
1003 Park Boulevard
Massapequa Park, NY 11762
peteking.house.gov
(516) 541-4225

Carolyn McCarthy District 4
200 Garden City Plaza, Suite 320
Garden City, NY 11530
carolynmccarthy.house.gov
(516) 739-3008

For information out of New York State, similar databases are easy to find on the web. Visit www.usa.gov, then click on "contact elected officials".

estimated cost of \$500 - \$800 and above) is necessary. Also required is a HEPA respirator mask rated N100 or higher. Many common building practices have been outlawed including open flame burning or torching or using heat guns above 1,100 degrees F. If sanding, grinding, planing, needle gunning, abrasive blasting or sandblasting, power tools must be equipped with a shroud and a HEPA filtered vacuum attachment for "local capture ventilation". These electric power tools listed by the EPA include sanders, grinders, circular saws, reciprocating saws, planers, and drills.

Minimizing and containing lead dust is the key to success, but there's more. To correctly complete the renovation project, HEPA vacuuming and thorough cleaning methods include wet mopping and the equivalent of a "white glove" test. This is where you match the color of your cleaning cloth with a photograph of a similar cloth to determine when it is too dirty to use is all part of the new procedure. The paperwork documenting how you approached and completed the job is not for the faint of heart and must be completed accurately, right down to the number of cloths you used in your cleaning. These documents must be kept for a minimum of three years.

Accepting the true concerns of lead paint contamination, the way these new regulations have been construed would make one think that the renovation industry should be shut down. Lead paint may have been of concern to the EPA, but little has been mandated or even advised over the past ten years to the contracting industry or the public at large as to its risks. Suddenly, lead paint is as dangerous as asbestos or anthrax. Just how dangerous? In the pamphlet that contractors must present to owners and occupants of affected structures, in bright red type is a statement that says "You may even want to move out of your home temporarily while all or parts of the work are being done. Child care facilities and schools may want to consider alternative accommodations for children..." The point to ponder is if on April 22 lead paint is to be treated like the plague, how could the EPA not have treated it similarly for the past 30 years? Has every contractor working in pre-1978 homes poisoned them and injured the occupants within? Have they injured themselves and their families? Will every homeowner who had construction done during this time have the desire and/or the option to sue those contractors who performed work in a non "lead safe" manner? Does anyone's insurance protect the contractor for work done prior? And is anyone's insurance going to cover all the possible litigation from April 22 and beyond?

How practical are these work practices? What happens when renovating the exterior of a lead-painted home you literally run out of room? By law you must cover the ground with heavy gauge plastic at a minimum run of 10

feet from the structure. Picture a three story pre-WWII home in a neighborhood that demands only a 10 foot side yard. Contractors may have to undertake "vertical containment". In other words, running the plastic up scaffolding, in essence putting the home in a bubble. Picture a nice sunny July day. It is 96 degrees and you and your crew are in your protective suit, boots inside of boots, gloves inside of gloves, all nicely duct taped together.

Future Sample Renovation Recordkeeping Checklist

(Effective April 2010)

Name of Firm: _____

Date and Location of Renovation: _____

Brief Description of Renovation: _____

Name of Assigned Renovator: _____

Name(s) of Trained Worker(s), if used: _____

Name of Dust Sampling Technician, Inspector, or Risk Assessor, if used: _____

☐ Copies of renovator and dust sampling technician qualifications (clearing certificates, certifications) on file.

☐ Certified renovator provided training to workers on (check all that apply):

☐ Posting warning signs ☐ Setting up plastic containment barriers

☐ Maintaining containment ☐ Avoiding spread of dust to adjacent areas

☐ Waste handling ☐ Post-renovation cleaning

☐ Test kits used by certified renovator to determine whether lead was present on components affected by renovation (identify kits used and describe sampling locations and results): _____

☐ Warning signs posted at entrance to work area.

☐ Work area contained to prevent spread of dust and debris:

☐ All objects in the work area removed or covered (interior)

☐ HVAC ducts in the work area closed and covered (interior)

☐ Windows in the work area closed (interior)

☐ Windows in and within 20 feet of the work area closed (exterior)

☐ Doors in the work area closed and sealed (interior)

☐ Doors in and within 20 feet of the work area closed and sealed (exterior)

☐ Doors that must be used in the work area covered to allow passage but prevent spread of dust

☐ Floors in the work area covered with taped-down plastic (interior)

☐ Ground covered by plastic extending 15 feet from work area—plastic anchored to building and weighed down by heavy objects (exterior)

☐ If necessary, vertical containment installed to prevent migration of dust and debris to adjacent property (exterior)

☐ Waste contained on-site and while being transported off-site.

☐ Work site properly cleaned after renovation:

☐ All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal

☐ Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interior)

☐ Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used): _____

☐ If dust clearance testing was performed instead, attach a copy of report

☐ I certify under penalty of law that the above information is true and complete.

Name and Title: _____ Date: _____

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After you've spent an inordinate amount of time explaining the new paint regulations to your new customer and completed the remodeling project while obeying all the new mandated lead safe practices, you now must document in minute detail how the project was thoroughly cleaned and ensured to be lead dust free. Did you remember to keep track of the number of wet and dry cloths used during post-renovation cleaning?

Everyone is wearing a respirator and goggles, hood tied correctly in place. You now enter the containment area and start to go to work. Goggles are fogging, communication through the respirator makes it difficult to converse. Need to leave the site for personal reasons and all the protective gear must be removed with non-reuse of the protective suit, gloves, booties, etc. Working in the interior isn't much better as all windows and doors must be kept closed, and all

heating and air conditioning ducts sealed. Productivity will be greatly reduced, meaning the homeowner will have to pay for two or three days of labor that may have only taken one in days prior to the new regulations.

Before April 22, neighbors were interested, even enthused by nearby remodeling projects.

National Percentage of Homes Likely to Contain Lead



Give or take the noise and activity, old, small, or tired homes were rapidly changed into structures that not only improved the neighborhood but motivated others to do the same. Proud contractors went door to door handing out literature or using door hangers to boast of their work and solicit new business. Times have changed. After April 22, neighbors will see workers in "hazmat" suits entering plastic encased homes. There will be warning signs, "crime scene" tape, and reflective cones. Accordingly, there will be concern that poison lead dust will contaminate neighboring homes and threaten the health of children and adults who live in them. It is assumed that many home remodeling projects might be put off for years until the children outgrow the most susceptible years (to age 6) or never done at all, dependent upon the acceptable risk.

Next comes the perceived value of the home. Now that lead paint is a determined menace, what happens to the home's sale price? A house appraised at \$500,000 could have a prospective buyer asking to take \$75,000 off the top for expected lead abatement. And then there's the reality of trying to implement these new regulations in such a short time. Government says that there have been at least two years to prepare for the day of reckoning that originated in the 1990s. However, it is believed that EPA sanctioned training companies have only been certified since October 2009 and the earliest training classes for contractors from trainers available locally only began in late December or early January.

It is estimated that less than two percent of contractors will be trained and certified prior to Earth Day 2010. With a fine that could equal \$37,500, virtually all construction in lead paint homes could come to a stop, not just in our region, but across the entire United States of America. The logistics are dumbfounding. Imagine an unknowing kitchen and bath company selling an \$80,000 kitchen renovation with no knowledge of the new regulations. A contract has been agreed upon and signed by both parties. All labor costs would have been predicated on yesterday's

standards. Doubled or tripled labor costs would not be the homeowner's problem. What if \$50,000 of custom kitchen cabinetry had been ordered, manufactured, and shipped to the firm and is now residing in its warehouse and now cannot be installed because the company is not certified nor are any of its workers? Better yet, let's say training and certifying have been accomplished but a frantic rush to purchase HEPA vacs, protective

clothing, plastic tape, etc. have wiped out the shelves with demand for these products mandated on job sites from coast to coast, Hawaii and Alaska too. The job can't be started, the bill for the cabinetry is coming due, and if delayed long enough, the homeowner may be able to walk away from the contract. What happens to all the companies and workers who are idle while waiting for training or materials? What happens to the job that was started on April 10? An what happens to the contractor who has been working his entire career in older neighborhoods and finds the next six jobs he has lined up to be in jeopardy? What does he do for a living?



It's the law! From the EPA pamphlet shown above, "Federal law requires that individuals receive certain information before renovating six square feet or more of painted surfaces in a room for interior projects or more than twenty square feet of painted surfaces for exterior projects in housing, child care facilities, and schools built before 1978. Homeowners and tenants: renovators must give you this pamphlet before starting work."

As stated in the United States Environmental Protection Agency's pamphlet, "Renovate Right", three "simple" procedures should be followed.

1. **Contain the work area.** The area should be contained so that dust and debris do not escape from that area. Warning signs should be put up and heavy-duty plastic and tape should be used as appropriate to:
 - Cover the floors and any furniture that cannot be moved.
 - Seal off doors and heating and cooling system vents.
 These will help prevent dust or debris from getting outside the work area.
2. **Minimize dust.** There is no way to eliminate dust, but some methods make less dust than others. For example, using water to mist areas before sanding or scraping; scoring paint before separating components; and prying and pulling apart components instead of breaking them are techniques that generate less dust than alternatives. Some methods generate large amounts of lead-contaminated dust and should not be used. They are:
 - Open flame burning or torching.
 - Sanding, grinding, planing, needle gunning, or blasting with

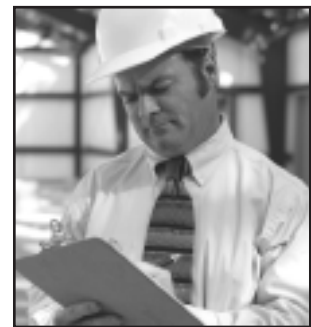
power tools and equipment not equipped with a shroud and HEPA vacuum attachment.

- Using a heat gun at temperatures greater than 1100°F.

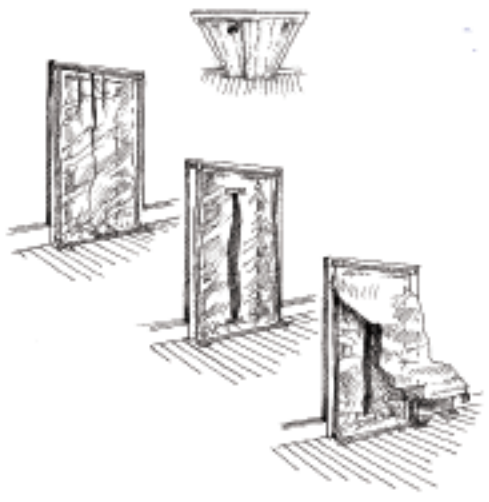
3. **Clean up thoroughly.** The work area should be cleaned up daily to keep it as clean as possible. When all the work is done, the area should be cleaned up using special cleaning methods before taking down any plastic that isolates the work area from the rest of the home. The special cleaning methods should include:

- Using a HEPA vacuum to clean up dust and debris on all surfaces, followed by
- Wet mopping with plenty of rinse water.

When the final cleaning is done, look around. There should be no dust, paint chips, or debris in the work area. If you see any dust, paint chips, or debris, the area should be re-cleaned.



Continued on page 20



Lead Safe Interior Containment Steps

The goal of these interior containment practices is to prevent dust and debris from escaping the work area {as follows}

- Limit access, post signs
- Remove (preferred) or cover belongings
- Cover floors
- Close and seal windows, doors, and HVAC system {ducts}
- Construct a work area entry doorway

RRP Rule: Interior Containment General Requirements

- Posted signs: These must be posted on all sides of the work area to define the work area, must be in the primary language of occupants, must be posted before the beginning of the renovation, and must remain until cleaning verification is achieved.
- Contain the work area: Before renovation, isolate the work area to prevent the escape of dust. During work, maintain the containment, integrity, and ensure that containment does not interfere with occupant and worker egress from the home or work area
- Remove or cover furniture/objects: Remove (preferred) objects like furniture, rugs, window coverings; or cover them with plastic sheeting with all seams and edges taped
- Cover floors: Cover floors including carpets in the work area with taped down plastic sheeting or other impermeable material to 6 feet beyond the perimeter of surfaces undergoing renovation or to a distance sufficient to contain dust, whichever is greater
- Close and seal doorways and close windows: Close and seal doorways and close windows in the work area with plastic sheeting or other impermeable material. Doors used as entrances to the work area must be covered with plastic sheeting that allows workers to pass through while confining dust to the work area
- Cover duct openings: Close and cover all HVAC vents in the work area with taped down plastic sheeting or other impermeable materials (e.g., magnetic covers).
- Remove dust and debris from everything leaving the work area: Use precautions to ensure that all personnel, tools, and all other items are free from dust and debris before being removed from the work area

Lead Safe Exterior Containment Steps

RRP Rule: Exterior Containment General Requirements



- Keep non-workers away from the work area by marking it off with signs, tape, and/or cones
- Cover the ground and plants with heavy plastic sheeting to catch debris. The covering should extend at least 10 feet out from the building. Secure the covering to the exterior wall with a wood strip and staples, or tape {note: black and clear disposable plastic sheeting can kill plants by making them too hot. Consider using white plastic sheeting.}
- Close windows and doors within 20 feet of the work area to keep dust and debris from getting into the home
- Move or cover any play areas that are within 20 feet of the work area
- When working on the 2nd story or above, extend the sheeting farther out from the base of the home and to each side of the area where paint is being disturbed
- Vertical shrouding on scaffolding should be used if work is close to a sidewalk, street, or property boundary, or the building is more than three stories high
- Avoid working in high winds if possible. The EPA Renovation, Repair and Painting Rule does not specifically address wind speed, but when the wind is strong enough to move dust and debris, special precautions need to be taken to keep the work area contained. That may mean creating a wind screen of plastic at the edge of the ground-cover plastic to keep dust and debris from migrating. Ultimately, you are responsible for preventing dust and debris from leaving the work area, so take appropriate precautions when wind is a factor
- Put all necessary tools and supplies on the protective sheeting before you begin work to avoid stepping off the protective sheeting before the work is complete

Problems with the New EPA Lead Safety for Renovation, Repair, and Painting (RRP) Legislation

Although remodelers and those in the building trades understand the concerns over proper work practices when disturbing lead-based paint, the new impending regulations scheduled to take effect on April 22, 2010 are virtually impossible to implement. Following are some of specific difficulties that must be addressed:

Need to postpone/extend date of implementation

This is a national problem. There is not enough time to certify the remodeling workforce. It is estimated that due to the shortage of training companies and minimal available classes, that only 2% to 3% of the remodeling industry can be properly certified by April 22nd.

Example: Long Island, New York has over 18,000 licensed remodelers. To date, only a few hundred have been trained and certified.

Shortage of required equipment

The new legislation requires specialized High Efficiency Particulate Air (HEPA) vacuum cleaners to be used during clean-up procedures. The amount of HEPA vacuum cleaners available, as well as other required materials including heavy gauge plastic, disposable clothing, respirators, lead test kits, and the like is estimated to be dramatically less than will be demanded by every remodeling company, per worker, per crew throughout the country.

Confusing legislation

Now that training has begun, there is some concern as to the language of the regulations. For example, all workers within the containment zone must wear HEPA respirators. It is believed that separate OSHA training is required as to the use of respirators and that the newly certified renovator is not properly trained in this matter, nor is he or she qualified to train others, as required.

Renovator liability

Because the new lead safe work practices treat lead paint dust in a similar fashion to asbestos, there is concern that homeowners will fear the disturbance of lead paint that commonly occurs during renovation in older homes built prior to

1978. This is a two-fold problem:

1. Any illnesses in children or adults discovered after the renovation project is completed might be blamed upon suspected lead poisoning. According to the EPA, this could include lower IQ or brain disorder, Attention Deficit Disorder, miscarriages, hypertension, digestive problems, muscle or joint pain, etc. Workers could also blame illnesses in later life on their chosen career.
2. Because the new regulations, printed matter, and available information on the internet provided by the EPA amplifies the perceived dangers of lead paint disturbance, if renovation companies are sued, there is concern that current insurance in place will not be in effect for lead. Further time is needed to determine whether additional insurance will be necessary, if available.

Excessive penalties/lack of notification to the trades

Fines of up to \$37,500 for failure to correctly implement the new practices (believed to be per day per incident) are enough to force a small business to close its doors if mistakes are made. Also, because there is no current national database of those in the remodeling trades (home improvement, kitchen and bath, window replacement, roofing, siding, electrical, plumbing, HVAC, etc.), it is expected that many tradesmen and women will be unaware of the new legislation.

Increased cost of the renovation

Constructing containment zones, donning and removal of protective gear, reduced productivity working within protective clothing, respirators, goggles, etc., required extensive cleaning procedures, stringent waste containment, and purchasing of newly required equipment and materials could add many hours and hundreds to thousands of dollars to the cost of the job.

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Certify Your Firm ASAP!

Stay out of trouble. Thursday, April 22nd (Earth Day) is fast approaching. Register your company ASAP by downloading form EPA747-B-99-001, October 2009 "Application and Instructions for Firms... Applying for Certification to Conduct Lead-Based Paint Activities and Renovations". Visit: www.epa.gov/lead. Type "Application and Instructions for Firms" in the search window. The pdf file will be listed, or call 800-424-LEAD.

Get EPA Trained and Certified!

You and key members of your company should be scrambling for any EPA Lead Safety Certification classes. NARI NYC/LI is a great source. Call (631) 673-NARI. Out east? Riverhead Building Supply is hosting EPA Lead Safety for Renovation, Repair, and Painting (RRP) on Wednesday, April 7th at Martha Clara Vineyards in Riverhead, 7:30a - 5:30p. Call (508) 847-0162, www.thecontractorcoachingpartnership.com. Andersen Windows has contracted with Connor Institute. Get certified through Andersen and you can receive a \$100 rebate on a custom-size Andersen product, dependent upon where it is purchased. www.andersenwindows.com/servlet/Satellite/AW/Page/awGeneral3_Replacement/1261581024478

One Stop Shopping From Kachina Lead Paint Solutions

Talk about being entrepreneurial, one company saw the train coming and put together quite a package. Kachina Lead Paint Solutions, a national firm based in Elkins Park, PA, offers everything from training to products (HEPA vacs, disposable suits, goggles, gloves, respirators, etc.), to pamphlets and signs, forms, even insurance! To hear it from President Stephen J. Klein, pamphlets should have been given out since 1999. They are hooked up with powerful attorneys, but as we know, *"Ignorance of the law excuses no man: Not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to refute him."* John Selden. *English antiquarian & jurist (1584 - 1654)*. The largest fines to date are \$53 million to one company and an incomprehensible \$118 million fine to a huge mid-western company who, we understand, never got around to handing out pamphlets while installing windows for about 40 branches of a big box company. Divide \$118,000,000 by the older fine of \$32,500 and you get 3,630 pamphlets that would have kept them out of trouble. EPA negotiations or not, it's going to cost you! Contact Kachina at 888-800-5224 or www.kachinaleadpaintsolutions.com

News From the Past: EPA Fines

In May of 2006 in Boston, MA., an Administrative Law Judge found that two Rhode Island companies violated federal lead paint disclosure requirements and assessed a total of \$222,200 in fines. The judge's ruling confirmed a 2004 EPA enforcement case. How long has this been going on? In 1992, Congress told the EPA to address the dangers of lead paint during renovations.

Trade Associations Protest EPA's Renovation, Repair & Painting Law

Encouraged by members of the local NYC/LI Chapter of NARI, NARI National Headquarters has helped get a letter of protest to high ranking Washington, DC officials. At least delay until enough are trained, and give the economy a chance. Signatories include the National Lumber and Building Material Dealers Association, The Window and Door Manufacturers Association, National Association of Home Builders, Hearth, Patio & Barbecue Association, Window and Door Dealers Alliance, National Glass Association, Manufactured Housing Institute, National Association of the Remodeling Industry, The Home Depot, Vinyl Siding Institute, Independent Electrical Contractors, and Lowe's.

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Some say the future will bring more imminent doom. Although many counties and municipalities within the Long Island, New York region require licensing, there has never been a national registry of contracting companies. Now every company working on lead painted homes must register itself and the homes with the federal government. There is now a database that one could use to determine toxic sites that inevitably must be cleaned up. Every house that has been remodeled in even the slightest way is now subject to further review by those who know that home is a potential danger. Will mandatory lead abatement requirements be far behind? What prevents a preemptive strike by government? Children are our future and they must be protected, but at what cost? Did the EPA ever think that it could bring the home remodeling business to its knees when it wrote its 34 pages of regulations, and what can be done today to mitigate this speeding train?

The number of contractors, remodelers, and related business men and women who don't know about the impending regulations is tremendous. The same is to be said of landlords who will have to comply and whose costs are sure to increase, leading to expectations of higher rent. Environmentalists, pleased with the new regulations, will also have to question the incredible amount of 6 mil plastic, disposable work attire, filters, etc. that will suddenly

appear at landfills and incinerators, also the amount of energy and raw materials it will take to create the volume of consumables necessary for use across the country. These new regulations are overwhelming and come at the worst time for the construction industry which has been crippled enough by the damaged economy. Ironically, stimulus money for weatherization projects that include "Cash for Caulkers" and the new HOMESTAR program which are designed to help create jobs by encouraging homeowners to make energy efficient improvements to their homes will be counteracted by new legislation that will take most remodelers out of the loop when government believes unemployment numbers in construction jobs are near 25%.

Time is of the essence. Intelligent modification of these regulations and when they are to be implemented must be addressed immediately by those in the federal government. Some kind of moratorium or delay must be put in place if only because not enough time has been given to train and certify those who will be in danger of fines that could easily put a company or individual out of business the first time around. Lobbying state senators and state congressmen and women is happening daily, national protests are being organized by various trade associations. Will the problem be fixed in time? ■

