

Q&A With Consultant John Zilka About Lead-Paint Removal

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By REPLACEMENT CONTRACTOR Staff

John Zilka is vice president of training and technical services for Kachina Contractor Solutions, an EPA accredited RRP Training Provider.

REPLACEMENT CONTRACTOR: How aware are remodeling and home improvement contractors of the new lead-based paint removal regulations?

John Zilka: A lot of people know about lead, but they don't know about proper practices, precautions, ramifications, and procedures. Maybe 10% or 15% have what I call a "working understanding."

RC: What are the most common misconceptions about safe lead-based paint removal?

JZ: That this is an abatement activity, which it's not. Also, that the exposure pathways are through children eating paint chips or drinking contaminated water. The truth is that lead dust, such as that created in the course of a renovation, is the major perpetrator. The dust associated with renovation creates the hazard.

RC: What will contractors need to do if they have reason to believe the home they're working in has lead-based paint?

JZ: If they find lead-based paint, they're obligated by law to present this information to the owner of the property within 30 days. Homeowners should be given a report that states where the lead paint is. [Home improvement contractors] are also obligated to use extra precautions and safe removal practices in the planning, set-up, work, and clean-up. It's going to take a little more work in the course of the job, but the result will be that they won't leave a lead legacy.

RC: After April 22, should contractors automatically conduct a lead test on every pre-1978 house they're working in or on?

JZ: In a house built before 1978, you can do one of two things: You can test the surfaces you'll disturb in the course of renovation activity for paint. Or you can just assume that lead is present. Whether or not you want to go ahead and test might depend on how many tests need to be performed, how much time is involved, and other factors that affect your pricing. If a lot's involved, you may just want to presume that lead is present and act accordingly.

RC: You said in the lead paint removal course that "clean and safe are not necessarily the same thing." What do you mean by that?

JZ: Sometimes the lead dust particles are so small that you can't see them. That doesn't mean they're not present. To be sure, a dust test should be undertaken.

RC: Would complying with safe lead removal make it difficult or impossible for contractors to do smaller jobs such as installing one or two windows or making plumbing or electrical repairs?

JZ: No, because a good contractor is concerned with dust anyway and would be doing a good clean-up as part of the job. So the extra work involved in doing this lead-safe is minimal.

RC: Would it make them non-competitive?

JZ: Not if they do a good sales job upfront so that the potential buyer of their services can discriminate between what they offer vs. the guy with the pick-up truck who isn't doing any of this. And if the homeowner can't make an intelligent decision, if they don't pick quality over cost, then than the job wasn't sold properly.

RC: How do I include the cost of containment products such as tape, plastic sheeting, etc., in my pricing?

JZ: Make sure those costs are factored into your bottom line proposal. If you use one roll of tape on a job, that's six bucks. If you use a role of poly film on a job, which is 1,000 square feet, you're talking 30 dollars. If you're going to use heavy-duty 6 mil poly film, and you lay down a 6-by-6-foot piece, at three cents a square foot that's \$1.08 for a piece of poly on the floor. It doesn't cost that much in lieu of using a tarp. A \$600 HEPA-vac with attachments will run you about 80 cents a day prorated over three years. The cost of the materials is insignificant. It's the cost of labor that matters. And that depends on the scope of work and the efficiency of your installers.

RC: How would the EPA or a similar state agency know if a contractor had failed to carry out safe lead removal on a job?

JZ: If the child in that area is poisoned, that's a real simple way of knowing. But it's primarily visual dust and debris such as paint chips, left at the work site, or dust migrating to other parts of the house. They can also get a pretty good idea of whether or not the contractor did the right thing by talking to the homeowner. The ultimate proof is that there would be a lot of residual dust and debris. Or, if EPA does show concern, they could come in there and do dust-wipe testing. Of course, the important thing is you never want to use the child as a lead detector.

RC: You mentioned that if contractors are using good clean-up procedures now, that they're already doing about 85% of what they'd need to do under the new lead-safe removal regs. Where does the difference come in, then?

JZ: It's much more than clean-up. It's talking to the client about what they're doing and why. It's protecting the occupants' belongings. Then the clean-up. They have to look at the types of materials they're using. Poly film instead of drop cloths, HEPA-vacs instead of shop-vacs, wet cleaning in addition to dry cleaning. What's also crucial is avoiding prohibited practices such as

burning, grinding, or sanding surfaces, dry scraping, or using heat guns at high temperatures. Of course, if the contractor's not doing any of this he's got a long way to go to meet the minimum requirements.

RC: If I'm installing roofing, siding, or replacement windows with subcontractors in homes that are pre-1978, what are my responsibilities?

JZ: The contractor, who signs a contract with the homeowner, has the ultimate responsibility. That customer doesn't have a contractual relationship with the subcontractor. So if the sub is running amok, if he's not certified by the EPA, then it becomes an issue of the job being tainted or of a potentially dangerous situation developing. If someone poisons a kid, the party ultimately responsible is the contractor.

RC: There are a lot of misconceptions out there ? such as that safe lead-based work practices could add as much as a day to a window replacement or a siding job. How much time is involved in containing an area, cleaning as you work, and doing a final cleaning to eliminate lead dust?

JZ: As far as labor goes, it depends on the efficiency of your guys. Some will go in and remove a window in a minute. I would figure on adding about 20 minutes per window. It's all about containment.

RC: A lot of the safe removal practices seem like simple commonsense. Why is there so much resistance?

JZ: Many people are simply misinformed. How is doing the right thing going to put you out of business? If you don't do the right things and you get sued, that will put you out of business.

RC: What documents should be included in the job file to indicate that lead-based paint has safely been removed during the course of a project?

JZ: The renovation firm's certification, the certificate of the Certified Renovator assigned to the project, test reports if they used chemical spot test kits. Also, a list of the non-certified-but-trained workers who were on the job. A statement attesting that lead-safe work practices were followed by the CR, including posting proper signage, occupant protection, worksite preparation, non-use of prohibited removal methods like burning or sanding of lead-based paint, that clean-up was performed and lead-free verification done.

RC: You mentioned videotaping conditions before work begins. What would be some circumstances in which you would recommend doing that?

JZ: I would always recommend doing it. It is going to establish a baseline for such things as the housekeeping practices there, the condition of the yard, the state of the existing windows, and any other ancillary issues like stains on the carpet or scratches on the furniture.

RC: How likely is it at some point in the future that a third party will need to validate that the work area is lead-free?

JZ: Right now EPA is considering looking at this from the standpoint of a clearance examination. That would take the place of the cleaning verification card. What's the likelihood? I would bet even money that it is going to go through on certain types of renovation activity, meaning any high-dust causing activity such as demolition, large scale major renovation activities such as whole-house remodels or historical restoration and preservation.

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