



Lead Renovation, Repair & Painting

AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



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Contractors that disturb lead-painted surfaces in homes, child care facilities, and schools built before 1978 must be certified and follow specific work practices to prevent lead contamination. These and other requirements are part of a federal regulatory program called the “Lead Renovation, Repair, and Painting (LRRP)” rule that was promulgated by the U.S. Environmental Protection Agency (EPA) back in 2008. The rule took effect on April 22, 2010. [EPA enforcement](#)¹ was prominent in 2012 and the Agency continues to conduct compliance monitoring inspections. In early 2013, EPA mailed out “warning postcards” to companies that it believed to be operating in violation of LRRP rule’s certification provisions.

This fact sheet is intended to help AGC members comply with the LRRP requirements.

fact sheet

The Bottom Line

The **LRRP rule**² (see 40 CFR Part 745, Subpart E) covers a lot of construction jobs: renovations, repairs, remodeling, demolition, painting, window replacement, plumbing, electrical work, heating and air-conditioning work, etc. The LRRP rule establishes requirements for firms *and* individuals performing work that can disturb lead-based paint and create hazardous lead dust and chips.

Specifically, EPA's LRRP rule applies to *anyone* who is paid to perform work that disturbs lead paint in pre-1978 target housing and child-occupied facilities, including:

- General contractors,
- Maintenance workers and handymen, and
- Painters, carpenters, plumbers, electricians and most specialty trades.

These individuals might be working for rental property owners, schools, daycare providers, non-profits groups or governmental agencies, for example.

The federal rules define "Target Housing" and "Child-Occupied Facilities" as follows:

Definition: Target Housing - A house or apartment (including mobile homes) built before Jan. 1, 1978, with the following exceptions: zero-bedroom units (like dorm rooms or studio apartments), housing that is officially designated for the elderly or the handicapped, and housing that is free of lead paint.

Definition: Child-Occupied Facility - A building, or portion of a building, constructed prior to 1978, visited by the same child – 6 years of age or under – on at least two different days within any week, provided that: each day's visit lasts at least three hours; the combined weekly visit lasts at least six hours; and the combined annual visits last at least 60 hours. Such facilities may include, but are not limited to, daycare centers, preschools and kindergarten classrooms.

Under the Toxic Substances Control Act (TSCA), EPA (or a state, if this program has been delegated to it) may file an enforcement action against violators of the LRRP rule seeking penalties of up to **\$37,500 per violation, per day.**

The proposed penalty in a given case will depend on many factors, including the number, length, and severity of the violation(s), the economic benefit obtained by the violator, and its ability to pay.

EPA standards define lead-based paint as: Any paint or surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter (mg/cm²) or 0.5 percent by weight. EPA also has set dust-lead clean up (clearance) levels for floors and window sills. Some states and localities regulate paint/dust with lower concentrations of lead.

NOTE: *OSHA's Lead in Construction Standards (see 29 CFR Part 1926.62) consider paint to be "lead containing coatings" if there is any detectable amount of lead in the sample.*

LRRP Requirements

NOTE: *The following provisions apply to firms/individuals performing renovation, repair and painting projects for compensation that disturb more than six square feet of lead paint per room on the interior, or more than 20 square feet on the exterior, of target housing and child-occupied facilities (see p. 1) built before 1978.*

1. Pre-renovation pamphlet distribution

Construction firms (and others who perform renovations for compensation) must give clients EPA's lead education pamphlet called "Renovate Right" and get a signed confirmation of receipt of the lead pamphlet (to document compliance with this requirement) before beginning a job. The construction firm also must post informational signs.

Contractors can obtain free copies of the "[The Lead-Safe Certified Guide to Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools](#)"³ (EPA-740-K-10-001) or by calling the National Lead Information Center at 1-800-424-LEAD (5323). Also online are sample forms that can be used to document compliance with the pre-renovation outreach and education requirements. Records must be maintained for three years.



2. Firm certification

All firms paid to perform renovation, repair or painting work in pre-1978 housing and child-occupied facilities must be certified. (This includes general contractors, city agencies and school districts as well as small "one-man-shop" handymen and owners of rental property.) This is accomplished by submitting an application to EPA or to the State, if it has an EPA-authorized renovation program, and paying a fee. For information about the authorization status of your state, visit [EPA's become a Lead Certified Firm webpage](#)⁴ or contact the National Lead Information Center at 1-800-424-LEAD (5323). Firm certification is good for five years.

The EPA Firm Certification Form is available on [EPA's website](#)⁵. You do not need individual certification to submit a firm application.



According to the EPA, "... no firm working in target housing or child-occupied facilities, where lead-based paint will be affected by the work, may perform, offer or claim to perform renovations without EPA Firm Certification."

NOTE: Firm certification is NOT the same as individual certification. (There is no training requirement for firm certification.) Firms that are Abatement Certified must also become LRRP Certified if they perform renovations (i.e., non-abatement jobs) that may disturb paint in pre-1978 residences and child-occupied facilities.

3. Individual certification

Firms must have at least one LRRP “Certified Renovator” assigned to each job site where lead-based paint is disturbed. To become certified, a renovator must successfully complete an EPA- or State-approved training course conducted by an accredited EPA (or an EPA authorized state) program. For available classes, visit [EPA’s website](#)⁶ or the National Center for Healthy Housing’s (NCHH) [website](#)⁷. (On NCHH’s page, type “renovator” in the search field - at the upper right of the calendar - and click the magnifying glass icon.)

The Certified Renovator must perform or direct certain key tasks during the renovation and be present on-site during those key tasks, including while:

- Signs are being posted before the job;
- The work area is being contained; and
- The work area is being cleaned post-renovation.

NOTE: State Certified Lead Abatement Supervisors and Workers must also become LRRP certified, but they only need to take a 1/2 day, 4-hour “refresher” class.

4. On-the-job-training

The certified construction firm must assign a Certified Renovator to each renovation job it performs. The LRRP Certified Renovator is required to train all non-certified people at the job site. All renovation workers must be trained.

NOTE: Contractors who do business with agencies receiving Federal money for housing rehabilitation, etc. must have everyone trained in the classroom.

5. Paint testing

The LRRP rule requires contractors to assume lead-based paint is present in the housing and buildings covered by the LRRP rule *unless* testing is done *before* beginning the job to determine that all surfaces affected by the renovation are lead-free. Testing must include all affected surfaces coated with paint, shellac, varnish, stain, coating or even paint covered by wallpaper, if it will be disturbed

during the renovation work. A report documenting the testing must describe the test used, the surfaces tested and the test results. If lead-based paint is present on an affected surface, the lead-safe work practices described below must be used on the job.

EPA currently recognizes **three lead-paint test kits**⁸ for use in meeting the LRRP rule: the 3M™ LeadCheck™, D-Lead®, and the State of Massachusetts test kits.



- Paint testing by a Certified Lead-based Paint Inspector or Lead-based Paint Risk Assessor — these licensed professionals conduct a surface-by-surface investigation for lead-based paint by collecting paint chips for laboratory analysis or by testing painted surfaces with a machine called an X-Ray Fluorescence Analyzer (XRF), which measures the amount of lead in the paint.
- Paint testing by a Certified Renovator — Certified Renovators, at the request of the owner, can use EPA-recognized test kits or collect paint chips for laboratory analysis to test all painted surfaces affected by the renovation.

NOTE: HUD does not recognize testing by a Certified Renovator using test kits. In housing covered by the HUD Lead Safe Housing Rule, only the first option is allowed. In some states, contractors MAY NOT test paint. Check your state laws to see if there are specific requirements in place dictating who may test for lead-based paint (e.g., State Certified Lead Inspector/Risk Assessor).

For a list of certified lead testing professionals in your area is on [EPA's website](#)⁹ or contact the National Lead Information Center at 1-800-424-LEAD (5323).

6. Lead-safe work practice requirements

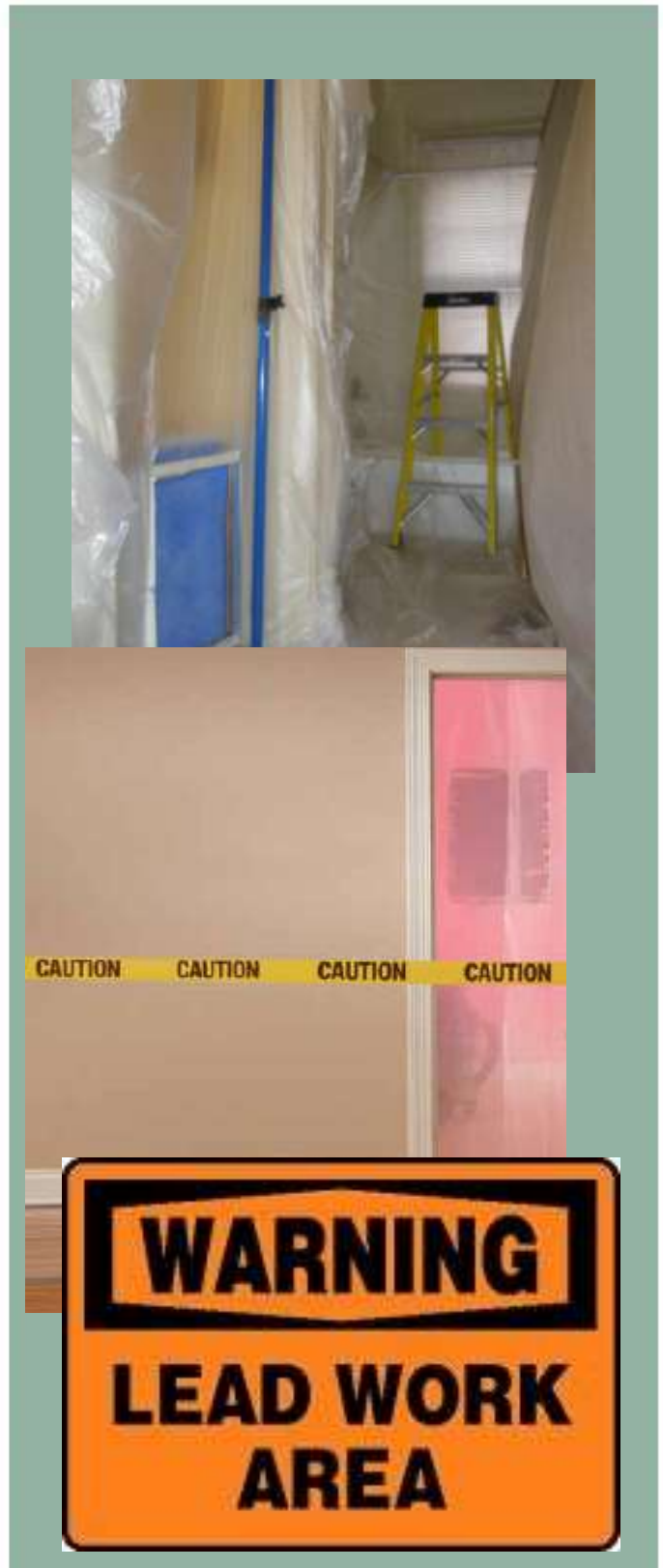
The certified firm and the Certified Renovator must make sure that other workers on the renovation job follow "Lead-Safe Work Practices" when disturbing more than six (6) square feet per room or 20 square feet outside. Minor repair and maintenance activities (6 square feet or less per interior room or 20 square feet or less per exterior project) are exempt from the work practices requirements. (This exemption does not apply to jobs involving window replacement or demolition.)

- Avoid renovations methods that generate a lot of dust. The following are prohibited: open-flame burning, using heat guns at greater than 1,100 degrees Fahrenheit and the use of power tools without high-efficiency particulate air (HEPA) exhaust control (to collect dust generated).

- Renovators must contain the work area to prevent dust and debris from leaving the work area.
 - Cover the floors and any furniture that cannot be moved.
 - Seal off doors and heating and cooling system vents.
 - For exterior renovations, cover the ground and, in some instances, erect vertical containment or equivalent extra precautions in containing the work area.
- Post warning signs.
- Conduct a thorough cleaning on a daily basis followed by a cleaning verification procedure at the end of the job that includes the use of a HEPA vacuum and wet wiping/mopping.

7. Cleaning verification

At the end of each job, the Certified Renovator is required to perform a “cleaning verification” to make sure they cleaned up properly. The Certified Renovator must visually inspect the work area to confirm that it is free of dust, debris, or residue. For interior projects, the protocol further requires the contractor to use disposable cleaning cloths to wipe the floor and other surfaces of the work area and compare these cloths to an EPA-provided cleaning verification card to determine if the work area was adequately cleaned. Cleaning verification cards are available by calling the National Lead Information Center at 1-800-424-LEAD (5323). Cleaning verification may only be performed by an EPA Certified Renovator if renovations covered by the LRRP rule were performed.



Renovating HUD housing?

In addition to EPA's LRRP regulations, the U.S. Department of Housing and Urban Development (HUD) requires compliance with its **Lead Safe Housing Rule**¹⁰ (see 24 CFR Part 35) in pre-1978 federally-owned or assisted housing and federally-owned housing that is being sold. (HUD's rule does not cover child-occupied facilities outside of residential housing.)

The requirements of HUD's rule are similar to EPA's LRRP rule, but there are some differences in the details, including:

- HUD does not recognize on-the-job training. To conduct lead hazard control in federally-assisted housing, either all workers must have completed a HUD-approved course, or the crew must be supervised by a Certified Renovator who is also a Certified Lead Abatement Supervisor.
- HUD's definition of minor repair and maintenance that is exempt from its rule is different than EPA's (2 square feet interior and 20 square feet exterior or 10 percent of the surface area of a small building component type).

Other differences between the EPA and HUD rules (concerning paint testing, prohibited practices, clearance testing and waste disposal) are pointed out in the appropriate places throughout this fact sheet.

NOTE: Although optional under EPA's LRRP rule, some states and localities may require a 3rd-party State-Certified Lead Inspector to take (clearance) dust samples for laboratory evaluation to confirm that no lead hazards remain. If the housing receives federal assistance, clearance testing is required.

8. Control and dispose of the waste properly

Waste from renovation activities must be contained (e.g., seal waste in a heavy duty bag or sheeting) to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. At the conclusion of each work day, and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored to prevent access to and the release of dust and debris.

9. Meet recordkeeping requirements

All documents must be retained for three years following the completion of a renovation. Records that must be retained include:

- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the LRRP program.

This information must also be given to the owner and, if different, the occupant of the housing or unit renovated. EPA developed a **checklist**¹¹ to help contractors comply with the renovation recordkeeping requirements.

Compliance Tips

- Get your firm certified – and assign a “Certified Renovator” to each job.
- Get your employees trained.
- Meet notification requirements. Obtain free copies of “Renovate Right,” the “Small Entity Compliance Guide” and a “Paint Chip Collection Guide” on [EPA’s website](#)¹² at or call 1-800-424-LEAD (5323).
- Purchase a good quality HEPA vacuum.
- Follow lead-safe work practices.
- Document your compliance and keep records.
- Review [EPA’s LRRP website](#)¹³.



State and Local Regulations

Other state or local requirements that are different from, or more stringent than, the federal requirements may apply. For example, federal law allows EPA to [authorize states](#)¹⁴ to administer their own lead renovation program in place of the federal lead program. Even in states without an authorized lead renovation program, a state may promulgate its own rules that may be different or go beyond the federal requirements.

To find out more, contact the [National Lead Information Center](#)¹⁵ at or 1-800-424-LEAD (5323).

LRRP and Public/Commercial Buildings

In [May 2010](#)¹⁶, EPA published notice of its plans to propose lead-safe work practices and other protective requirements for work on most buildings, including public buildings built before 1978 and commercial structures where lead paint exists. In [Dec. 2012](#)¹⁷, EPA published a request for information and a notice of a public hearing to develop the rule for public/commercial buildings. AGC of America continues to report on this issue in *AGC's Environmental Observer* newsletter.

Listing of Web Links within Fact Sheet

This fact sheet contains many embedded hyperlinks indicated by words that are bold, blue and underlined. These hyperlinks are helpful to readers who have accessed an electronic copy of the fact sheet from AGC's environmental services webpage at www.agc.org/environment (where AGC maintains an updated copy of its environmental fact sheets). To assist those readers who may be referring to a hard copy, below is a listing of those links within the fact sheet. The numbers correspond to the superscripted number following each embedded hyperlink.

1. <http://www2.epa.gov/lead/enforcing-lead-laws-and-regulations>
2. <http://www2.epa.gov/lead/lead-renovation-repair-and-painting-program-rules>
3. <http://www2.epa.gov/lead/materials-and-downloads-renovators-renovation-repair-and-painting>
4. <http://www2.epa.gov/lead/epa-lead-safe-certification-program>
5. <http://www2.epa.gov/lead/epa-lead-safe-certification-program>
6. http://cfpub.epa.gov/flpp/searchrrp_training.htm
7. <http://www.nchh.org/training.aspx>
8. <http://www2.epa.gov/lead/epa-recognition-lead-test-kits#recognized>
9. <http://cfpub.epa.gov/flpp>
10. http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr
11. <http://www2.epa.gov/lead/sample-renovation-recordkeeping-checklist>
12. <http://www2.epa.gov/lead/materials-and-downloads-renovators-renovation-repair-and-painting>
13. <http://www.epa.gov/lead>
14. <http://www2.epa.gov/lead/renovation-repair-and-painting-program-contractors>
15. <http://www2.epa.gov/lead/forms/lead-hotline-national-lead-information-center>
16. <http://www.gpo.gov/fdsys/pkg/FR-2010-05-06/pdf/2010-10097.pdf>
17. http://www.rer.org/uploadedFiles/Content_admin/Misc/EPA%20Public%20Hearing%20Notice%2012-31-12.pdf

This fact sheet should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult your own lawyer on any specific legal questions you may have concerning your situation. All photographs, courtesy of the U.S. Environmental Protection Agency.

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