

# EPA Lead-Based Paint Program

## Frequent Questions (January 13, 2025)

**About the Lead Frequent Questions and Answers:** This document presents the Agency’s preliminary response to the issues presented in these questions. Accordingly, it is a living document and the answers may be periodically revised and updated. Because the answers are subject to change, it is recommended that users check back frequently and visit <https://www.epa.gov/lead/fqs-rrp-rule> for the most up-to-date responses. The responses are intended solely for guidance and do not alter any statutory or regulatory requirements. The document does not supersede any statutory or regulatory provisions. Because the guidance provided in this document often addresses the very specific circumstances stated in each question, the reader should also consult other applicable documents (e.g., 15 U.S.C. 2681 et seq., 40 CFR 745.80 et seq., the Preamble to the Final Rule, etc.). These responses do not necessarily bind EPA or outside parties. EPA evaluates circumstances on a case-by-case basis, and these answers may not apply to a specific situation. On March 21, 2022, EPA withdrew two frequent questions concerning property management companies; see [86 FR 60812](#) or [Docket No. EPA-HQ-OECA-2021-0763](#) for more information. On March 14, 2023, EPA updated the lead in drinking water section of the FQs. On May 7, 2023, EPA updated FQ 23002-33463. On October 28, 2023, EPA updated FQs 23002-15505, 16393, 23255, 25349, 31778 and 32520. On January 13, 2024, EPA updated FQs 23002-21128, 23002-XXXXX, 23002-XXXXX, 23002-XXXXX, 23002-23255, 23002-16393, 23002-15505, 23002-25349, 23002-31778, 23002-32520, 23002-15716, 23002-15690, 23002-33342, 23002-20755, 23003-21691, 23002-33318, 23003-32128, 23002-32491, 23002-32444, 23002-32430, 23002-32428, 23002,33452, 23002-33454, 23002-33455, 23002- 33651, 23002-33453, 23002-33608, 23002-37009, 23002-37011, 23002-33341.

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# General Information about Lead

## Question (23002-22416)

What is lead?

### Answer

Lead is a toxic metal that was used for many years in products found in and around our homes. Lead also can be emitted into the air from motor vehicles and industrial sources, and lead can enter drinking water from plumbing materials. Lead-based paint is present in many homes built before 1978.

The federal government banned the use of lead-based paint in housing in 1978. To learn more about lead, visit <http://www.epa.gov/lead>.

## Question (23002-24471)

Where is lead found?

### Answer

Many homes built before 1978 have lead-based paint. In general, the older your home, the more likely it has lead-based paint. Soil around a home can contain lead from sources like deteriorated exterior paint, past use of leaded gas in cars, or from past renovation activities. Household dust can pick up lead from deteriorating lead-based paint, from past renovation projects, or from soil tracked into a home. If you work with lead, you could bring it home on your hands or clothes. It is important to shower and change clothes before going home. Launder your work clothes separately from the rest of your family's clothes. To learn more about sources of lead, visit <https://www.epa.gov/lead/learn-about-lead#found>.

## Question (23002-18139)

I thought lead-based paint had been phased out. How many homes still contain lead-based paint?

### Answer

The Department of Housing and Urban Development's (HUD) National Survey of Lead and Allergens in Housing estimated that 38 million permanently occupied housing units (40% of all housing units) in the United States contain some lead-based paint that was applied before the residential use of lead-based paint was banned in 1978. "Housing units" include single-family homes, manufactured housing, and multi-unit dwellings like apartments. Vacant housing, group quarters (e.g., prisons, hospitals, and dormitories), hotels, motels, and other short-term housing, military bases, and housing where children are not permitted to live (e.g., housing designated exclusively for the elderly and those with zero-bedroom units) are not included in this number. More information on these statistics is available from HUD.

## Question (23002-21128)

What are some of the health effects of lead?

### Answer

Lead is known to cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children under six years of age are most at risk from exposure to lead-based paint because they crawl on the floor and they put their hands and other items which can have lead-based paint dust on them into their mouths. Because their bodies are still growing, children tend to absorb more lead than adults.

Children exposed to lead can suffer from:

- Lowered IQ
- Damage to the brain and nervous system
- Learning and behavioral difficulties
- Slowed growth
- Hearing problems
- Headaches

Adults can suffer from:

- Reproductive problems (in both men and women)
- High blood pressure and hypertension
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

To learn more about health effects of lead, visit <https://www.epa.gov/lead/learn-about-lead#effects>.

### Question (23002-23458)

What should I do if I am concerned about my family's exposure to lead?

#### Answer

A blood test is the only way to find out whether you or a family member already has lead poisoning. Call your doctor or local health department to arrange for a blood test. You can protect your family every day by:

- Regularly cleaning floors, window sills, and other surfaces.
- Washing children's hands, bottles, pacifiers, and toys often.
- Making sure children eat a healthy, nutritious diet consistent with the USDA's dietary guidelines.
- Wiping off shoes before entering the house.
- Using an EPA-certified firm for renovations, or if you are doing the renovation yourself, using lead-safe work practices (see <https://www.epa.gov/lead> for more information).

### Question (23002-21996)

What information can I get about lead-based paint in a home before I buy or rent it?

#### Answer

Many houses and apartments built before 1978 have some lead-based paint. Lead from paint chips, and dust can pose serious health hazards if not taken care of properly. Federal law requires that individuals receive certain information before renting or buying pre-1978 housing. Sellers and landlords must:

- Disclose information on known lead-based paint and lead-based paint hazards in the housing being sold or rented;
- Provide buyers and renters with any available records or reports pertaining to lead-based paint or lead-based paint hazards in the housing; and
- Provide buyers and renters with a copy of the pamphlet entitled "[Protect Your Family from Lead in Your Home.](#)"

In addition, sellers must give potential buyers an opportunity to check the home for lead-based paint or lead-based paint hazards. To learn more about the lead disclosure rule for real estate, visit <https://www.epa.gov/lead/real-estate-disclosure>.

### Question (23002-32411)

Building material reuse stores sometimes accept older materials which have been coated with lead-based paint and could pose a lead poisoning hazard. In particular, older windows and doors are likely to contain lead-based paint, and this paint can present very high risks due to friction and impacts causing the paint to deteriorate and generate lead dust. How can employees of these stores and their customers manage lead hazards associated with these older building materials?

#### Answer

As a preliminary matter, your state may have laws or regulations addressing the management, handling or sale of materials containing lead-based paint. Therefore, building material reuse stores should contact both their state health department (<http://www.cdc.gov/mmwr/international/relres.html>) and state environmental agency for more specific direction. In addition to complying with all state or local law and regulations, EPA recommends the following practices to help minimize lead exposure to employees, volunteers, and customers.

At a minimum, EPA suggests that reuse stores label suspect items to indicate that they may contain lead, educate staff about lead hazards, and provide outreach materials to customers about lead-safe work practices. Some useful resources include: *Renovate Right* (<https://www.epa.gov/lead/lead-safe-certified-guide-renovate-right-2>), *Steps to LEAD SAFE Renovation, Repair and Painting* (<https://www.epa.gov/lead/steps-lead-safe-renovation-repair-and-painting-march-2009>),

and *Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work* (<http://www.hud.gov/offices/lead/training/LBPguide.pdf>). These can be downloaded from EPA's Web site or ordered from the National Lead Information Center at 1(800)424-LEAD or <https://www.epa.gov/lead/forms/national-lead-information-center-document-request-form>.

EPA suggests that reuse stores assume the presence of lead-based paint in pre-1978 residential building materials and all other non-residential building materials, or have these materials tested. Lead test kits that have been recognized by EPA (<https://www.epa.gov/lead/epa-recognition-lead-test-kits>) are available at most hardware stores; alternatively, an XRF analyzer can be used to detect lead or a paint chip can be sent to a laboratory for analysis.

### **Question (23002-22897)**

What is the most significant source of childhood lead exposure in a residence?

### **Answer**

The scientific literature suggests that nationally lead-contaminated paint dust is the most significant source of childhood lead exposure. Lead dust comes from deteriorating lead-based paint and lead-contaminated soil that gets tracked into your home. This dust may accumulate to unsafe levels. Common renovation activities like sanding, cutting, and demolition can also create hazardous lead dust. People, especially children, can swallow lead dust as they eat, play, and do other normal hand-to-mouth activities.

### **Question (23002-21129)**

What are some of the health effects of lead in children?

### **Answer**

Lead is especially dangerous to children under six years of age. Lead can affect children's brains and developing nervous systems, causing reduced IQ and learning disabilities, and behavioral problems. Even children who appear healthy can have dangerous levels of lead in their bodies. To learn more about the health effects of lead visit <http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=93&tid=22>.

### **Question (23002-XXXXX)**

What are the dust-lead hazard standards and dust-lead clearance levels now called?

### **Answer**

Due to feedback from the public comments, EPA finalized changes to the nomenclature, from dust-lead hazard standards (DLHS) to dust-lead reportable level (DLRL) and from dust-lead clearance levels (DLCL) to dust-lead action level (DLAL). EPA believes this updated nomenclature aligns better and more intuitively with the operational function of the amendments EPA finalized in the November 12, 2024 final rule entitled "Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels" (89 FR 89416), which is effective January 13, 2025. For example, the new terminology makes it clear that if a dust-lead loading falls below the DLAL but above the DLRL, then dust-lead is still present in the environment, but the levels are below those prioritized for action.

### **Question (23002-XXXXX)**

When are the compliance and effective dates for the dust-lead reconsideration rulemaking and for the dust-leave reporting level and dust-lead clearance levels?

### **Answer**

The November 12, 2024 final rule entitled "Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels" (89 FR 89416) is effective on January 13, 2025. Compliance for some elements of the final rule, such as the revisions to the dust-lead reportable level (DLRL) and dust-lead action level (DLAL) standards themselves and the abatement report language, occurs on January 12, 2026.

## Question (23002-XXXXX)

Will regulated entities have to perform retroactive requirements based off of the November 12, 2024 final rule entitled “Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels” (89 FR 89416)?

## Answer

No. The November 12, 2024 final rule entitled “Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels” (89 FR 89416) does not impose retroactive requirements to regulated entities that have previously complied with the Disclosure Rule. In accordance with 40 CFR 745.107, a seller or lessor generally must properly disclose any available records or reports pertaining to known lead-based paint (LBP) and/or LBP hazards before the purchaser or lessee is obligated under any contract to purchase or lease target housing. The seller or lessor is not required to disclose reports or records that may be created in the future, after the close of that transaction. Additionally, any LBP-free certification that was issued by a certified inspector and was issued before the effective date of this rulemaking, is still valid going forward and may continue to be used for exemption of leases from the Disclosure Rule under 40 CFR 745.101(b), as will any LBP-free certification issued on or after the effective date of this rulemaking.

Additionally, the final DLAL of 5 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) for floors, 40  $\mu\text{g}/\text{ft}^2$  for window sills, and 100  $\mu\text{g}/\text{ft}^2$  for troughs would not impose retroactive requirements on regulated entities that have previously performed post-abatement clearance. These updated DLAL would only apply to post-abatement dust-lead sampling and analysis conducted after the compliance date for that portion of the final rule (*i.e.*, January 12, 2026) for any LBP activities programs specifically run by EPA, which include (as of November 12, 2024): Alaska, Arizona, Florida, Idaho, Montana, Nevada, New Mexico, New York, South Carolina, South Dakota, Wyoming, American Samoa, Guam, Northern Marianas, and the U.S. Virgin Islands, as well as most Tribal Lands.

# Testing for Lead

## Question (23002-16836)

How can I tell if my home contains lead-based paint?

### Answer

The older your home, the more likely it contains lead-based paint. For example, 87% of homes built before 1940 have some lead-based paint, while 24% of homes built between 1960 and 1978 have some lead-based paint. Lead-based paint may be present in private single-family homes or apartments, government-assisted, or public housing, and in urban, suburban, or rural settings. If you want to know whether or not your home contains lead-based paint, EPA recommends one of the following:

- Assume your home contains lead-based paint and take the appropriate precautions. In pre-1978 homes and buildings, this is the simplest and safest approach.
- Hire a certified professional to check for lead-based paint. A certified lead-based paint inspector or risk assessor can conduct an inspection to determine whether your home or a portion of your home has lead-based paint and where it is located. This will tell you the areas in your home where lead-safe work practices should be used for renovation, repair, or painting jobs. A certified risk assessor can conduct a risk assessment telling you whether your home currently has any lead hazards from lead in paint, dust, or soil. The risk assessor can also tell you what actions to take to address any hazards. For help finding a certified risk assessor or inspector, call the National Lead Information Center at 1-800-424-LEAD (5323).

A number of lead test kits are available for consumer purchase in most retail hardware stores, however, the Consumer Product Safety Commission (CPSC) states that consumers should exercise caution when using these lead test kits to evaluate consumer products for potential lead exposures. See <https://www.cpsc.gov/content/cpsc-staff-study-home-lead-test-kits-unreliable>.

To test for lead-based paint in your home, EPA recommends that you hire a certified inspector or risk assessor. For determining whether lead-based paint is present in pre-1978 housing and childcare facilities that are subject to renovation, repair and painting regulations, EPA has recognized three lead test kits, but recognition only applies to use by Lead-Safe Certified renovators.

You may also choose to contact a laboratory recognized under EPA's National Lead Laboratory Accreditation Program (NLLAP) for lead paint chip, dust or soil sample analysis. A list of available NLLAP laboratories, including their recognized sample type(s), is available at <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-list>.

## Question (23002-20555)

The lead information pamphlet titled "Renovate Right" states there is a kit consumers can use to collect samples to send to a lab if they suspect any lead hazards have been left after a renovation. Do samples like these need to be taken by certified abatement personnel or a dust sampling technician?

### Answer

No. When all the work is finished, you may want to know if your home, childcare facility, or school has been cleaned up properly. One way to check is a lead-dust test. Lead-dust tests are wipe samples sent to a laboratory for analysis. You have the choice of having a lead-dust test done by a lead professional or doing the testing yourself. If you choose to do the testing, some EPA-recognized lead laboratories will send you a kit that allows you to collect samples and send them back to the lab for analysis. Contact the National Lead Information Center at 1-800-424-LEAD (5323) for lists of qualified professionals and EPA-recognized lead labs. A list of available EPA-recognized lead laboratories is also available at <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-list>.

To learn more about making sure your home, child care facility, or school has been cleaned properly after a renovation, visit <https://www.epa.gov/lead/renovation-repair-and-painting-program-consumers>.

### **Question (23002-32338)**

Is lead paint testing required under the Renovation, Repair and Painting (RRP) Rule?

#### **Answer**

No. A firm can either assume lead-based paint is present and follow the requirements of the rule (which requires no testing), or test and if lead-based paint is found follow the requirements of the regulation.

### **Question (23002-15211)**

Do test results from a certified renovator using an EPA-recognized lead test kit (40 CFR 745.83) or performing paint chip sampling (40 CFR 745.82) become an official part of the lead-based paint testing record for that house thus negating the need for a certified lead inspector or certified lead risk assessor to conduct the inspection in that area of the house? Can a certified renovator conduct a complete lead-based paint inspection and give the property owner as an inspection report?

#### **Answer**

The results of paint testing using lead test kits or paint chip sampling are part of the official lead-based paint testing record for a home, and must be disclosed under EPA's Real Estate Disclosure regulation (40 CFR part 745, subpart F). However, EPA's regulations only provide for a certified inspector or risk assessor to conduct a lead-based paint inspection and to prepare a lead-based paint inspection report. Thus, allowing renovators to test components does not negate the requirement that a certified inspector or risk assessor follow the requirements set forth in 40 CFR 745.227(b) when conducting a lead-based paint inspection.

### **Question (23002-23865)**

When testing a work area, does one lead test kit or paint chip sample suffice for any single component? What if a component's surface area is extensive (i.e., a large wall)?

#### **Answer**

The certified renovator is only required to use one lead test kit or paint chip sample for each component, even if the surface of the component is extensive (e.g., a large wall).

### **Question (23002-15694)**

Does the RRP Rule apply to work on windows that have been installed within the last 20 years in a pre-1978 housing unit? Would confirmation of the window installation based on property owner documentation (i.e., receipts, warranty paperwork, contracts) and/or date of manufacture of the windows be sufficient to exclude this work from the lead-safe work practices and other requirements?

#### **Answer**

The RRP Rule applies unless you have determined that all the components affected by the renovation, including the windows, are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>) or 0.5% by weight. This determination must be made either by a certified inspector or risk assessor, or by a certified renovator using an EPA-recognized lead test kit or performing paint chip sampling. You must keep records of any lead-based paint free determination and make the records available to EPA if requested.

### **Question (23002-23701)**

When a certified renovator uses an EPA-recognized lead test kit or performs paint chip sampling to determine the presence of lead, can the results be grouped? For instance, may the certified renovator test just one windowsill in a room if all will be affected?



## Answer

No. The certified renovator must test each component affected by the renovation. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately. Multiple windowsills are not integrated parts of a whole. They are separate components and must be tested separately.

## Question (23002-23255)

What lead test kits are recognized by EPA?

## Answer

EPA recognizes three lead test kits for use in complying with the negative response criterion of the RRP rule. They are the Luxfer Magtech LeadCheck™ kit (for use on ferrous metal, plaster, drywall and wood), the State of Massachusetts kit (for use on drywall, plaster), and the D-Lead® kit (for use on wood, drywall, plaster, and ferrous metal). If a substrate material is not listed above (such as stucco, or non-ferrous metals) then the EPA-recognized lead test kits cannot be used on that substrate to comply with the testing requirements of the RRP rule.

Note: 3M sold the formulation and trademarks related to the 3M™ LeadCheck™ test kits to Luxfer Magtech. EPA recognizes the LeadCheck™ test kit made and distributed by Luxfer Magtech. More information about EPA recognized lead test kits is available at <https://www.epa.gov/lead/lead-test-kits>.

## Question (23002-16393)

How can I obtain 3M LeadCheck™ test kits?

## Answer

3M sold the formulation and trademarks related to 3M™ LeadCheck™ Instant Lead Tests to Luxfer Magtech. EPA recognizes the Leadcheck™ test kit made and distributed by Luxfer Magtech for compliance with EPA's Renovation, Repair and Painting rule when used by a trained professional. The Luxfer Magtech LeadCheck™ test kits are expected to be available at home centers and major hardware stores in early 2025. For more information on Luxfer Magtech LeadCheck™ test kits, call 800-503-4483 to speak with a customer service representative. You may continue to use 3M™ LeadCheck™ test kits you may have on hand. More information about EPA recognized lead test kits is available at <https://www.epa.gov/lead/lead-test-kits>.

## Question (23002-15505)

Does EPA recognize the Luxfer Magtech LeadCheck™ test kit for use on red paint?

## Answer

Yes. EPA recognizes this lead test kit for use on any color paint as long as the lead test kit is used in accordance with the manufacturer's instructions.

Note: 3M has sold the formulation and trademarks related to the 3M™ LeadCheck™ test kits to Luxfer Magtech. EPA recognizes the LeadCheck™ test kit made and distributed by Luxfer Magtech. More information about EPA recognized lead test kits is available at <https://www.epa.gov/lead/lead-test-kits>.

## Question (23002-18220)

If a certified renovator using an EPA-recognized lead test kit or paint chip sampling determines that the components that will be affected by a renovation are free of lead-based paint, can a firm that does not have RRP certification do the actual renovation work? What record-keeping requirements would apply?

## Answer

Where a certified renovator performs paint chip sampling or uses an EPA-recognized lead test kit following the lead test kit manufacturer's instructions, tests each component affected by the renovation, and determines that the components are free of paint or other surface coatings that contain lead at regulated levels, the renovation can be performed by a non-certified firm and without regard to the work practice standards or record-keeping requirements of the RRP Rule. See 40 CFR 745.82(a)(2).

However, the certified renovator and firm performing the testing are still subject to the recordkeeping requirements of 745.86(b)(1)(ii) and (iii), and 745.86(a) and (c). Specifically, the certified renovator must prepare a record that states the brand of lead test kit used or the name and address of the EPA-recognized laboratory performing the paint chip analysis, a description of the components tested including their location, and results of the tests. The certified renovator's firm must retain a copy of this record for three years. EPA further recommends that the firm actually performing the renovation also retain a copy of these records to demonstrate that compliance with the RRP Rule was not required.

## Question (23002-19098)

Is it true that the lead test kits that were recognized by EPA before September 1, 2010, are no longer recognized since that date?

## Answer

No. The lead test kits that were recognized by EPA before September 1, 2010 did not automatically lose their recognition on September 1, 2010. As discussed in the 2008 RRP rule, prior to September 1, 2010, manufacturers seeking recognition of their lead test kit had to meet only the negative response criterion. EPA recognition of lead test kits meeting this criterion will last until EPA publicizes its recognition of a lead test kit that passes both the negative response and the positive response criteria.

## Question (23002-25349)

Will there be any Phase Two lead kits approved as a result of EPA's Environmental Technology Verification (ETV) evaluations?

## Answer

Based on the results of the recent ETV evaluations no new lead test kits were approved that meet both the negative response and positive response criteria requirements. However, one lead test kit, D-Lead®, did meet the negative response criterion for drywall, plaster, ferrous metal and wood, and was recognized for use by certified renovators on August 31, 2010. Thus, after September 1, 2010, EPA will continue to recognize 3M LeadCheck™, the State of Massachusetts kit, and the newly recognized D-Lead® kit.

Note: 3M sold the formulation and trademarks related to the 3M™ LeadCheck™ test kits to Luxfer Magtech. EPA recognizes the LeadCheck™ test kit made and distributed by Luxfer Magtech. More information about EPA recognized lead test kits is available at <https://www.epa.gov/lead/lead-test-kits>.

## Question (23002-16390)

How can I obtain D-Lead® test kits?

## Answer

The D-Lead® test kits are available for purchase from certain distributors and retail outlets. A list of these distributors and retailers can be found by going to <http://www.esca-tech.com>, emailing [rrp@esca-tech.com](mailto:rrp@esca-tech.com), or by calling (414) 962-3006.

## Question (23002-31777)

My firm is not RRP-certified and does not employ an RRP-certified renovator. If we are asked to perform a renovation in a pre-1978 home, we first test the home for the presence of lead using an EPA-recognized lead test kit. If lead is present,

we decline the job. If lead is determined not to be present, we accept and proceed normally. Can we perform these lead tests without being a certified renovator?

### **Answer**

No. When performing a renovation in a pre-1978 home, a firm is exempted from the requirements of the RRP Rule if a determination has been made that the surfaces affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm<sup>2</sup> or 0.5% by weight. However, in order for this exception to apply, the determination must be made by a certified lead inspector or risk assessor, or by a certified renovator using an EPA-recognized lead test kit and following the lead test kit manufacturer's instructions.

### **Question (23002-31778)**

I am an EPA-certified lead risk assessor. Can I use an EPA-recognized lead test kit when assessing whether or not a pre-1978 home contains lead-based paint for purposes of the RRP Rule?

### **Answer**

Yes. In addition to a certified renovator, a person certified by EPA as a risk assessor or lead inspector may use an EPA-recognized lead test kit to determine that regulated lead-based paint is not present in a home. Such a report can also be used to confirm that the RRP Rule would not apply to renovation activities in that home. A list of currently EPA-recognized lead test kits is available at: <https://www.epa.gov/lead/lead-test-kits>.

### **Question (23002-32520)**

Can a person who is color blind use the Luxfer Magtech LeadCheck™ test kits?

### **Answer**

A certified renovator seeking to use an EPA-recognized lead test kit for RRP purposes must be able to use the lead test kit, and interpret the results, in accordance with the manufacturer's instructions. A person who is unable to accurately use the product due to some disability cannot, and should not, rely on any results for RRP purposes.

### **Question (23002-33650)**

Can a homeowner use an EPA-recognized lead test kit to check for lead-based paint?

### **Answer**

A number of lead test kits are available for consumer purchase in most retail hardware stores, however, the Consumer Product Safety Commission (CPSC) states that consumers should exercise caution when using these lead test kits to evaluate consumer products for potential lead exposures. See <https://www.cpsc.gov/content/cpsc-staff-study-home-lead-test-kits-unreliable>.

To test for lead-based paint in your home, EPA recommends that you hire a certified inspector or risk assessor. For determining whether lead-based paint is present in pre-1978 housing and childcare facilities that are subject to renovation, repair and painting regulations, EPA has recognized three lead test kits, but recognition only applies to use by Lead-Safe Certified renovators.

You may also choose to contact a laboratory recognized under EPA's National Lead Laboratory Accreditation Program (NLLAP) for lead paint chip, dust or soil sample analysis. A list of available NLLAP laboratories, including their recognized sample type(s), is available at <http://www2.epa.gov/lead/national-lead-laboratory-accreditation-program-list>.

### **Question (23002-20750)**

Under the RRP Rule, when testing a property for the presence of lead prior to beginning a renovation using an EPA-recognized lead test kit, must I test every component affected by the renovation?

**Answer**

Yes. Because certified renovator training does not cover sampling protocols, certified renovators using EPA-recognized lead test kits to determine the applicability of the RRP Rule must test each and every component that will be affected in order to determine that the RRP Rule does not apply to a particular renovation.

# Lead Renovation, Repair and Painting

## *General Information about the Lead Renovation, Repair, and Painting (RRP) Rule*

### **Question (23002-22990)**

What is the purpose of the RRP Rule?

#### **Answer**

The purpose of the Renovation, Repair and Painting (RRP) Rule is to minimize exposure from lead-based paint dust during renovation, repair, or painting activities. This is a key effort in reducing the prevalence of childhood lead poisoning, particularly lead poisoning caused by housing contaminated by renovation activities. This will also minimize exposure to older children and adults who are also adversely impacted by lead-based paint dust exposure. Lead paint was used in more than 38 million homes prior to its ban for residential use in 1978. This paint can form toxic dust when it is disturbed during normal home repair work. EPA's RRP program is designed to reduce lead contamination by training contractors in relatively simple lead-safe work practices, and certifying contractors to make sure that they follow lead-safe work practices. We also encourage consumers to choose firms that are certified.

### **Question (23002-21795)**

What does the RRP Rule require?

#### **Answer**

The RRP Rule requires that renovators are trained in the use of lead safe work practices, that renovators and firms be certified, that providers of renovation training be accredited, and that renovators follow specific work practice standards. Additional information on this rule can be found at <https://www.epa.gov/lead/renovation-repair-and-painting-program>.

### **Question (23002-24685)**

Who is covered by the RRP Rule?

#### **Answer**

The rule applies to all firms and individuals who are paid to perform renovation, repair, and painting projects that disturb paint in pre-1978 housing and child-occupied facilities. This includes home improvement contractors, maintenance workers, painters and other specialty trades.

### **Question (23002-19015)**

Is it a violation of the RRP Rule for a homeowner to hire a firm that is not certified?

#### **Answer**

The RRP rule does not impose requirements on homeowners. However, the hired firm would be in violation of the RRP Rule if it was uncertified and performing a covered renovation.

### **Question (23002-17725)**

How much will it cost contractors to comply with the RRP Rule?

#### **Answer**

In order to comply with the RRP rule, renovators will incur costs for EPA certification and costs to take a training course from an EPA-accredited training provider, as well as for supplies needed in order to carry out the required lead-safe work practices designed to reduce exposure to lead dust from renovations.

**Firm Certification and Training Costs:** The rule requires renovation firms to become certified by EPA or an EPA-approved state RRP program in order to perform renovation, repair or painting activities for compensation in target housing or child-occupied facilities. EPA is required by law to charge firms a fee that covers the government's cost of administering the program. Firm certification is valid for five years. The fee for most firms is **\$300**, which is equivalent to a cost of **\$60 per year**.

In addition, the rule requires that firms use trained certified renovators for certain key parts of the job, such as containing the work area and conducting cleaning verification after the job's completion. In most cases, firms have at least one certified renovator on staff. To be a certified renovator, an individual must take a training course from a private training provider accredited by EPA. The training is valid for five years. The cost of the training course is set by the private training provider and varies, but averages \$186 (which is equivalent to a cost of about \$40 per year). The trained renovators can then provide on-the-job training to their workers. Firms may also incur additional costs related to training and certification, such as the time spent on the activities, and for traveling to and from the training. EPA estimates that this costs **\$562** per person trained. This includes a tuition cost of \$186, the value of time for the eight hours the renovator is in class (\$253), the value of time for two hours traveling to and from class (\$63), mileage costs to drive to and from the training (\$49), and lunch while at the training (\$9).

**Costs Associated with Lead-Safe Work Practices:** Aside from the fixed costs for training and certification, renovators will also incur costs that vary depending on the size, type, and number of jobs performed.

*Lead test kits.* Renovators may choose to use lead test kits to determine whether lead-based paint is present before the start of the job. The total cost of the lead test kits used depends on the number components tested but is estimated to average \$10 per job. The use of lead test kits is optional, but many renovators find the lead test kits helpful for determining which parts of the job are subject to the rule's work practice requirements.

*Labor, equipment and supply costs.* The rule also requires renovators to use work practices in order to reduce exposure to lead dust. As part of the rulemaking process, EPA estimated the labor, equipment, and supply costs for these work practices. To calculate the costs for the rule's containment, cleaning, and cleaning verification requirements, EPA considered nine categories of renovation events (kitchen renovation, window replacement, painting, etc), for up to three sizes (small, medium, and large square footage) in up to three different dwelling types (single-family owner, single family rental, and multi-family rental) and in child-occupied facilities.

EPA first estimated an absolute cost of complying with the lead-safe work practices required by a rule if a renovator did not use any containment, or perform any cleaning, or cleaning verification prior to the rule. EPA estimated the labor and materials costs associated with each lead-safe work practice for the various job types included in the analysis.

However, EPA heard from the industry that renovators had been taking steps to control dust from renovations prior to the promulgation of the rule. Based on this input, EPA estimated an average incremental cost of each lead-safe work practice by subtracting the cost already being incurred by renovators for containment and cleaning from the estimate of the absolute cost of the rule's requirements.

For typical jobs in single family homes, EPA estimated that the average absolute costs to comply with the rule ranged from **\$35 to \$376**, depending on the size and nature of the job. The average incremental costs of complying with the rule ranged from \$8 to \$124. For example:

For a large window replacement job in a single-family home (12 windows), the average cost ranges between \$124 for contractors who already used some of the required work practices, to \$376 for contractors who did not use any of the required work practices.

For a medium sized job removing portions of a wall in a single-family home (such as might be done to repair water pipes or electrical wiring), the average cost ranges between \$41 for contractors who already used some of the required work practices, to \$121 for contractors who did not use any of the required work practices.

For an exterior painting job involving four exterior walls, the average cost ranges between \$90 for contractors who already used some of the required work practices, to \$245 for contractors who did not use any of the required work practices.

Finally, firms incur a cost for paperwork and recordkeeping, in order to demonstrate compliance with the RRP rule's training and work practice requirements.

Renovators conduct millions of jobs each year, ranging from simple drywall repairs to complete kitchen and bath renovations, and from window replacements to building additions. While EPA estimated the compliance costs for various

general sizes and types of work, EPA's cost model is a simplified representation that cannot capture all of the variations from one job to another. EPA's methodology does not estimate the cost for any individual job performed by a particular renovator.

The cost for a particular contractor to comply with the rule may be considerably different from the sample jobs EPA considered, depending on factors such as the size, configuration, or other conditions of the work area; how the contractor uses his or her discretion to comply with the rule; and the prevailing local wage rates. Furthermore, EPA only estimated the cost of the work practices required by the rule. Some contractors may choose to take additional precautions beyond those required by the rule. These steps may provide extra protection for residents and renovation workers, but they also increase the cost of the work. And because EPA's estimates reflect the cost to contractors, not the price paid by homeowners, the estimates do not include the contractor's mark-up for profits.

The purpose of EPA's analysis was to compare the national cost of the rule's requirements to the national benefits of the rule. The analysis indicated that the requirements of the rule are not excessive or overly burdensome in light of the importance of avoiding the potentially severe consequences of exposure to lead-based paint hazards.

### **Question (23002-23391)**

What records will my firm be required to keep?

#### **Answer**

The following records must be retained for three years following the completion of a renovation:

- Reports (if any) 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 regulation (EPA has prepared a sample form that is available at <https://www.epa.gov/lead/sample-renovation-recordkeeping-checklist>)

### **Question (23002-25279)**

Will insurance premiums go up for contractors covered by the rule that work in homes and child-occupied facilities with lead-based paint?

#### **Answer**

The practice of carrying insurance to cover work in older homes from potential lead poisoning damages is not new. The RRP Rule, because it sets a clear standard of care and allows contractors to demonstrate that they meet that standard by taking appropriate training and using proper work practices, could eventually lead to insurance premiums that reflect that proactive stance.

### **Question (23002-19407)**

Is there one document available that includes the latest version of the RRP Rule, with all amendments added to their associated locations, in complete form, and not including the preamble?

#### **Answer**

Yes. Visit the RRP Web site at <https://www.epa.gov/lead/lead-regulations> and click on "40 CFR Part 745 - Lead-Based Paint Poisoning Prevention in Certain Residential Structures".

### **Question (23002-18597)**

If there are differences among EPA's, HUD's, and my State's requirements, which ones do I have to comply with?

#### **Answer**

You must comply with all applicable requirements. The initial 8-hour renovator training course will teach you how to perform lead-safe work practices safely and effectively in compliance with the EPA RRP Rule and the HUD Lead Safe Housing Rule. The RRP Rule is not intended to supersede or preempt any more stringent State or local laws.

### **Question (23002-19805)**

My school district will be performing asbestos abatement in a kindergarten classroom that was built before 1978. Do the asbestos abatement workers also need to comply with the RRP rule?

### **Answer**

Yes, if the asbestos abatement disrupts over six square feet of painted surface per room in an interior, or over 20 square feet of painted surface on an exterior, or involves window replacement or demolition of painted surfaces. If so, the asbestos abatement will need to be performed by a firm certified under the RRP rule. The firm will be required to assign an RRP-certified renovator to the project, and workers will need to have been trained by a certified renovator. Of course, the asbestos abatement must be designed and conducted by persons accredited in accordance with the [Model Accreditation Plan](#).

The asbestos abatement will need to meet the RRP Rule work practice standards as well as the standards for asbestos abatement. For each element of the job, the contractor will need to determine which standards are more stringent and comply with those standards. Typically, the asbestos abatement containment and waste handling requirements are more stringent than the RRP Rule provisions, so compliance with the asbestos requirements will also serve as compliance with the RRP requirements. However, both the asbestos air clearance and the RRP cleanup and verification requirements must be performed. Because the air clearance process is performed with the critical barriers still in place, it must be performed before RRP cleanup and verification.

### **Question (23002-15674)**

Does the RRP Rule apply to states and local governments?

### **Answer**

The RRP Rule requires that renovators are trained in the use of lead safe work practices, that renovators and firms be certified, that providers of renovation training be accredited, and that renovators follow specific work practice standards. After April 22, 2010 contractors (including renovation, repair and painting workers, plumbers, electricians, HVAC professionals, etc.) working in pre-1978 homes, schools and child-care facilities must be EPA certified and trained in lead-safe work practices when conducting renovation, repair and painting activities that will disturb more than six square feet of painted surfaces on the interior of a building or more than 20 square feet on the exterior. Window replacements are covered activities.

### **Question (23002-18044)**

I am planning to renovate my home. How can I find a lead-safe certified firm?

### **Answer**

EPA has a searchable database to help you locate lead-safe certified firms near you at: [http://cfpub.epa.gov/flpp/searchrrp\\_firm.htm](http://cfpub.epa.gov/flpp/searchrrp_firm.htm). In addition, you can call EPA's lead hotline at 1-800-424-LEAD (5323) if you have questions.

### **Question (23002-18095)**

I have hired a firm to renovate my home, but now I am concerned about whether the firm is a lead-safe certified firm. How can I find out?

### **Answer**

EPA has a searchable database to help you locate lead-safe certified firms near you at: [http://cfpub.epa.gov/flpp/searchrrp\\_firm.htm](http://cfpub.epa.gov/flpp/searchrrp_firm.htm). It is possible that your firm is not yet listed on EPA's web site but is certified. If you do not find your firm on EPA's web site, you should call EPA's lead hotline at 1-800-424-LEAD (5323) and speak to an expert who can help you find out whether your firm is certified.



### **Question (23002-17543)**

How long will it take EPA to process my application to be a lead-safe certified firm?

#### **Answer**

EPA is required to process your application within 90 days of receipt. In most instances, properly completed firm applications are processed in about one month.

### **Question (23002-18120)**

I operate a renovation firm and I have heard that my state will adopt its own lead Renovation, Repair and Painting program. Do I have to also be certified by EPA?

#### **Answer**

As of July 2011, twelve states have their own RRP programs (Alabama, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oregon, Rhode Island, Utah, Washington, and Wisconsin). If your firm is located in one of these states, you should contact them for information on their certification requirements. If you work outside of one of those states, your firm needs to be certified by EPA.

### **Question (23002-16209)**

How can I find a certified renovation firm in my area?

#### **Answer**

EPA's website includes a search tool that allows consumers to find certified firms in their area. You can find this search tool at [http://cfpub.epa.gov/flpp/searchrrp\\_firm.htm](http://cfpub.epa.gov/flpp/searchrrp_firm.htm). Alternatively, you can contact the National Lead Information Center at 1-800-424-LEAD for a list of contractors in your area.

### **Question (23002-25193)**

Will a renovator working for a firm that has submitted a certification application to EPA but has not received its certification be allowed to work on pre-1978 properties assuming compliance with all other requirement of the RRP Rule?

#### **Answer**

No. Beginning April 22, 2010, no firm may perform, offer, or claim to perform renovations covered by the RRP Rule without certification from EPA.

## ***Renovations Covered by the RRP Rule***

### **In General**

#### **Question (23002-17496)**

How is window repair or maintenance, as distinct from removal, treated under the RRP Rule? Would the rule apply to a job that replaced parts or components of a window, such as broken or failed glass, hardware, or balance systems, where some components might be painted, but the frame of the window would remain?

#### **Answer**

Replacing a pane of glass or fixing a broken window balancer is not a window replacement. However, this activity would be subject to the rule unless it meets the definition of minor repair and maintenance. To be considered minor repair and maintenance, the renovation must not disrupt more than six square feet of painted surfaces per room. Activities such as replacing a piece of glass in a window can disturb paint. The glazing that holds the pane in place in older windows is painted, and this glazing has to be removed for the pane to be replaced. Also keep in mind that when calculating the six square feet when a component is being removed, it's based on the surface area of the component.

#### **Question (23002-15669)**

Does the RRP rule apply to renovations done in an apartment between tenants? Does it matter if children live in other apartments in the building?

#### **Answer**

Temporarily unoccupied or vacant housing rental is not exempt from the requirements of the RRP Rule.

#### **Question (23002-19962)**

Does the Renovation, Repair, and Painting (RRP) Rule prohibit the deconstruction and reuse of old building materials containing lead-based paint?

#### **Answer**

No. The RRP Rule does not prohibit a firm from extracting, salvaging or reusing building materials that contain lead-based paint. However, the requirements of the RRP Rule may apply to these activities if they (1) occur in target housing or a child-occupied facility, and (2) disturb more than six square feet of interior painted surface or more than twenty square feet of exterior painted surface.

Further, the RRP Rule only applies to renovations – the modification of an existing structure that results in the disturbance of painted surfaces. Demolition of an entire property is not a renovation for RRP purposes. Therefore, if deconstruction or salvage activities occur in conjunction with total demolition of the property, the RRP Rule would not apply. Conversely, if only a portion of the property is deconstructed, and the above two criteria are met, then the activity is a renovation and the requirements of RRP Rule apply. In such a case, firms must establish containment before deconstruction, and ensure that components to be reused are free of any lead-based paint dust or debris before they are removed from the work area.

#### **Question (23002-19754)**

My firm is performing a renovation in an unoccupied home that will be put up for sale when work is done. Does the RRP Rule apply to this renovation?

#### **Answer**

Yes. Temporarily unoccupied or vacant housing is not exempt from the requirements of the RRP Rule.

### **Question (23002-15688)**

Does the RRP Rule apply to office buildings, stores, and other commercial buildings?

#### **Answer**

No, unless the renovation is taking place in a child-occupied facility that is located in a commercial building. "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under six 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 three hours and the combined weekly visits last at least six 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.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility, or the common areas routinely used by children under age six.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

### **Question (23002-15684)**

Does the RRP Rule apply to federal employees performing work on federal facilities?

#### **Answer**

Yes. Federal agencies and their employees must comply with all Federal, State, interstate, and local requirements, both substantive and procedural, respecting lead-based paint in the same manner and to the same extent as any non-governmental entity. In addition, the RRP Rule requires all renovations performed after April 22, 2010, to be performed by a certified firm. The definition of "firm" includes federal agencies. Therefore, if the employees of a federal agency are performing renovations, the agency must be a certified firm and must follow the RRP Rule when performing the renovation.

### **Question (23002-15691)**

Does the RRP Rule apply to renovations that disturb ceramic tile where the glaze on the tile contains lead at regulated levels?

#### **Answer**

No. Ceramic tile glaze is neither a surface coating nor a painted surface. Therefore, renovations that disturb ceramic tile glaze are not subject to the RRP Rule.

### **Question (23002-19759)**

My firm repairs windows in which the glass has been cracked or broken by removing and replacing the sash. For casement windows, we unscrew and remove the hinges on the old window, pull out the old sash, and install the new sash. For double-hung windows, we release the jambliner, pull out the sash with the damaged glass, and install the new sash. We may disturb paint on the hinges and screws, but do not otherwise disturb a painted surface. Is this work subject to the RRP Rule?

#### **Answer**

Replacement of a window sash by simply unscrewing hinges or releasing it from a jambliner does not constitute "window replacement" for purposes of the RRP Rule. Therefore, such tasks may fit within the definition of minor repair and maintenance i.e., activities that disturb six square feet or less of interior painted surface, or twenty square feet or less of exterior painted surface.

If unscrewing a hinge or releasing a jambliner disturbs paint on the screws and/or hinges but does not otherwise disturb a painted surface on the window sash, frame, casing, sill, trim or surrounding walls, then the activity likely disturbs less than six square feet of painted surface and would not be subject to the RRP Rule.

### **Question (23002-32207)**

I am removing aluminum siding from a pre-1978 home. The aluminum siding was nailed over the top of painted wood siding that tested positive for lead. The underlying painted surface is greater than twenty-square feet. Must I comply with the Rule when removing the aluminum siding?

### **Answer**

The work practices for exterior projects are based on a performance standard – if the activity disturbs a painted surface (generally, by creating paint chips or dust) in excess of 20 square feet, the work area must be contained so that dust or debris does not leave the work area while the renovation is being performed. In this case, if the removal of the aluminum siding results in the disturbance of paint in excess of 20 square feet, then the RRP Rule applies. However, if the removal activity could be performed in such a way that does not disturb 20 square feet of painted surface, then the RRP Rule would not apply.

EPA recognizes that this may be difficult to determine in advance of the renovation activity. However, the renovator is the person with the expertise and experience to make this determination on a case-by-case basis. In such a situation, a renovator should consider how factors like the condition of the underlying paint, or the chosen method of removal may increase or decrease the likelihood for a disturbance of paint. If there is still uncertainty, EPA recommends that renovators err on the side of caution and be prepared to contain any dust and debris.

### **Question (23002-15692)**

Does the RRP rule apply to simple painting activities that occur when rental properties turn over? Approximately half of the rental units in the country get new tenants each year. This means a large number of properties are being repeated.

### **Answer**

If there is no surface preparation that disturbs the existing paint prior to painting, the RRP Rule does not apply. If you disturb paint by scraping or sanding while preparing the surface, the RRP Rule applies.

### **Question (23002-15696)**

Does the RRP Rule apply where no paint at all is present, such as in a 100 year old unfinished basement?

### **Answer**

No. The RRP Rule applies to activities that result in the disturbance of painted surfaces. Where there is no paint to disturb, the RRP Rule does not apply.

## **Definition of “Renovation”**

### **Question (23002-22108)**

What is a renovation?

### **Answer**

The RRP Rule covers activities that modify an existing structure and that result in the disturbance of painted surfaces. All types of repair, remodeling, maintenance, modernization, and weatherization projects are covered, including projects performed as part of another Federal, State, or local program, if the projects meet the definition of “renovation”. The term “renovation” includes (but is not limited to):

- Removing, modifying or repairing painted surfaces or painted components. Examples include modifying painted doors, surface restoration, window repair, and surface preparation activity like sanding and scraping that may generate paint dust.
- Removing building components such as walls, ceilings, plumbing, or windows.
- Weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping.
- Interim controls that disturb painted surfaces.

The RRP Program rule only applies to persons who perform renovations for compensation.

### **Question (23002-18426)**

What is a “whole house gut rehabilitation project” for RRP purposes? What RRP requirements, if any, apply during a whole house gut-rehabilitation project? If target housing has, at some point after 1978, been gut-rehabbed, would the RRP Rule apply to subsequent renovations on the property?

### **Answer**

The phrase “gut rehabilitation” may have different meanings across the construction industry. EPA, however, used the phrase “whole house gut rehabilitation” in a very limited sense to describe only those activities that demolish and rebuild a structure to a point where it is effectively new construction. At a minimum, these activities include the removal and replacement of all interior and exterior painted surfaces, including windows. The term should not be confused with a comprehensive renovation as described in FQ 23002-23415.

If an activity meets these narrow criteria (i.e., if a firm demolishes and rebuilds a structure to the extent that it is effectively new construction), then the activity is not a renovation for purposes of the RRP Rule and therefore not subject to any RRP requirements.

If, after 1978, target housing has been demolished and rebuilt to the extent that it is effectively new construction, subsequent renovations on the property would also not be subject to the RRP Rule. In other words, if target housing has been demolished and rebuilt to the extent that it is effectively new construction, it is no longer target housing. Conversely, if only a portion of the target housing has undergone a post-1978 modification (e.g., an overhaul of a kitchen or bathroom), then a subsequent renovation would still be covered under the RRP Rule.

### **Question (23002-23415)**

What RRP requirements apply to a comprehensive renovation project involving the removal and replacement of all interior painted surfaces from target housing or a child-occupied facility?

### **Answer**

A project that involves the removal and replacement of all interior painted surfaces but leaves all exterior painted surfaces intact is considered a renovation for RRP purposes. Therefore, all requirements of the RRP Rule apply including, but not limited to, those for firm and renovator certification, containment, waste disposal, cleaning and verification, and recordkeeping. The type of activity described in the question should not be confused with a “whole house gut-rehabilitation project” that effectively results in new construction as discussed in FQ 23002-18426.

EPA has recognized the fact that there may be circumstances where it is impossible for firms to meet all of the requirements under the RRP Rule. To the extent that performance of an RRP requirement would be impossible, the firm is excused from compliance. However, impossibility of one work practice does not excuse a firm from complying with other requirements. EPA further recommends that the firm document and keep records of the specific circumstances surrounding the impossibility.

With respect to the comprehensive renovation activities described in the question, impossibilities may be more prevalent. For example, during removal of a floor, covering the floor surface with taped-down plastic sheeting as required by 40 CFR 745.85(a)(2)(i)(D) would be impossible. As described above, the firm would be excused from this requirement. Nevertheless, the firm must still ensure that the work area is properly contained. Windows, doors and ducts in the work area must be closed and covered. Precautions must be taken to ensure that all personnel, tools, and other items are free of dust and debris before leaving the work area. At the conclusion of each workday and at the conclusion of the

renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris, and disposed of properly.

Following the renovation, the work area must also be cleaned until no dust, debris or residue remains. If no more painted surfaces will be disturbed, then cleaning may take place after either removal of all components, or after all new surfaces have been installed. Further, should cleaning or verification be impossible to achieve (for example, due to the nature of the surfaces), a firm must still make their best effort to collect and remove all paint chips, dust, debris and residue. See FQ 23002-15872.

### **Question (23002-13885)**

Are Department of Energy weatherization projects covered under the RRP Rule?

### **Answer**

The RRP Rule defines “renovation” to include weatherization projects such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, and planing thresholds to install weather stripping. Other types of weatherization projects, such as window replacement, are also covered if they fall within the definition of “renovation.”

### **Question (23002-15670)**

When a home or an apartment unit is repainted in preparation for a new tenant, is the painting activity always considered a “renovation” for purposes of the pre-renovation education requirements even if no surface preparation activity is performed prior to painting?

### **Answer**

No. The primary determinant of whether a given activity constitutes a “renovation” under the RRP Rule is whether that activity disturbs a painted surface. The practice of recoating painted surfaces in preparation for new tenants would not constitute “renovation” unless accompanied by activities that disturb the painted surface and create paint dust such as sanding, scraping, or other surface preparation activities. Minor “spot” scraping or sanding can be considered “minor repair and maintenance activities” if no more than 6 square feet of paint is disturbed in any room or no more than 20 square feet of paint on any exterior to be painted, and the work does not involve practices prohibited by the Rule, such as power sanding without a high-efficiency particulate air (HEPA) filter attachment. Washing walls or other components prior to painting likely would not result in a disturbance of painted surface.

### **Question (23002-18485)**

If I am painting a wall on which there are multiple coats of latex paint over the old lead-based paint and the paint is not peeling down to the lead paint level, must I comply with the new regulations?

### **Answer**

Yes, if the painted surface of the wall will be disturbed by the renovation.

### **Question (23002-15680)**

Does the RRP Rule apply to demolishing and disposing of:

- An entire pre-1978 home or building?
- An entire, non-attached free-standing structure on the same property such as a garage, shed, or gazebo?
- An attached but segregated section of pre-1978 home or building such as a sunroom, addition, two-story porch, or garage attached by a breezeway?

### **Answer**

The RRP Rule covers renovations, which are defined as modifications of existing structures or portions of structures. The rule does not apply to demolitions of an entire free-standing building or structure.

The RRP Rule does apply to renovation activities that modify portions of existing structures. Waste from these activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

At the conclusion of each workday and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

## **Question (23002-14867)**

Can you list specific activities deemed a disturbance of painted surfaces?

### **Answer**

As a general matter, EPA believes that activities that create dust or paint chips are activities that disturb paint. There is no definitive list of activities that disturb painted surfaces. Some examples that can disturb painted surfaces include, but are not limited to:

- Making cut-outs in walls.
- Replacing a window from the inside or outside.
- Removing paint with a heat gun.
- Scraping paint.
- Removing kitchen cabinets.
- Removing paint by abrasive sanding.
- Removal of large structures, including demolition of interior plaster walls.
- Window replacement.
- HVAC repair or replacement, including duct work.
- Repairs resulting in isolated small surface disruptions, including drilling and sawing into wood and plaster.
- Scuff-sanding.

These activities and other activities which disturb paint could be relevant to many trades, such as (but not limited to) renovation, remodeling, general repair, general maintenance, plumbing, electrical work, carpentry, window installation, painting, weatherization work, and more.

## **Question (23002-18541)**

My firm was hired to scrape and repaint siding on a pre-1978 home. The siding is relatively new and was installed after 1978 but was nailed over top of the old lead-based exterior paint. Does the RRP Rule apply?

### **Answer**

Yes. The RRP Rule applies to a renovation in target housing unless it has been determined that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter (mg/cm<sup>2</sup>) or 0.5% by weight. Even though you may only disturb paint on the new siding, the RRP Rule applies unless a trained and certified person determines that lead-based paint is not present on the surfaces being disturbed. This determination must be made by a certified inspector, risk assessor or certified renovator using an EPA-recognized lead test kit or paint chip sampling and lab analysis. Certified inspectors or risk assessors may also use additional testing methodologies (i.e., XRF analysis, etc.) allowed under their certifications. See 40 CFR 745.82(a)(1). Certified inspectors and risk assessors may determine that a component does not contain lead-based paint because it has been replaced or installed after 1978.

If the certified inspector, risk assessor or renovator determines that lead-based paint is not present, the determination must be documented in accordance with the recordkeeping and reporting requirements of 745.86(b)(1)(ii) and (iii), and 745.86(a) and (c), but the requirements of the RRP Rule do not otherwise apply. See also FQ 23002-18220.

**Question (23002-15683)**

My firm is removing and replacing a furnace. The surface area of the old furnace exceeds six square feet. Does the RRP Rule apply to this activity?

**Answer**

The RRP Rule applies to modifications of an existing structure, or portions thereof, that result in the disturbance of painted surfaces. Fixtures such as furnaces, radiators and heating elements, as opposed to personal property, are part of existing structures for RRP purposes.

In this case, if the surface coating of the furnace will not be disturbed when the furnace is removed, then the RRP Rule does not apply. If the surface coating will be disturbed, then the RRP Rule applies absent a determination pursuant to 40 CFR 745.82(a) that the furnace is free of lead-based paint.

**Question (23002-18301)**

If a homeowner removes all the painted surfaces in a room and then hires a certified firm to remodel the room, does the renovator need to follow the RRP Rule?

**Answer**

No. Projects that do not disturb a painted surface are not subject to the RRP Rule.

**Question (23002-19760)**

My firm replaces garage doors. We unbolt the door from its hardware and remove it without penetrating, scraping, or removing paint. Is this work subject to the RRP Rule?

**Answer**

If unbolting and removing the door does not disturb a painted surface in the hinges, door, or frame, the RRP Rule does not apply. For more information on what types of activities disturb paint, go to the following question: 23002-14867.

**Question (23002-14025)**

Are renovations that disturb stucco subject to the RRP Rule? Does it matter whether the stucco has been painted?

**Answer**

The RRP Rule applies to work that disturbs painted surfaces. Therefore, renovations that disturb stucco are subject to the RRP Rule only if the stucco has been painted.

**Question (23002-23787)**

When installing a roof, my firm does not create dust by directly sanding or cutting painted surfaces, but we do hammer the unpainted side of the lumber from above. Does the RRP Rule apply to this work?

**Answer**

The RRP Rule applies to work that disturbs painted surfaces. If hammering painted components, even on the unpainted side, disturbs paint, creating dust or chips, the RRP Rule applies.

**Question (23002-15689)**

Does the RRP Rule apply to removing a roof that is not painted?



## **Answer**

The RRP Rule applies to work that disturbs painted surfaces. Where there is no paint to disturb, the RRP Rule does not apply.

## **Question (23002-19751)**

My firm installs replacement doors. We simply remove the hinge bolts, take away the old door, unscrew and remove the hinges, and install the new door and hinges. We may disturb paint on the hinges and bolts but do not otherwise disturb a painted surface. Is this work subject to the RRP Rule?

## **Answer**

Because doors are not cut-outs, the entire surface area is not counted for purposes of calculating the six square feet threshold of minor maintenance and repair—unless removing the door also disturbs any paint on the door (e.g., because of the deteriorated condition of the paint or any dust-generating activities). Therefore, if unbolting and unscrewing a door disturbs paint only on the bolts, screws and/or hinges, but does not otherwise disturb a painted surface on the door, frame, trim or surrounding walls, then the activity likely disturbs less than six square feet of painted surface and would not be subject to the RRP Rule.

## **Question (23002-31781)**

My firm has been hired to replace windows in a home built before 1978. The existing windows are mil-finish (i.e., not painted) aluminum. We plan to use the "insert" method of replacement where we remove the existing sash and attach the new window's frames inside the old frames. Because we will not disturb a painted surface (our work remains inside the mil finished aluminum), is this activity subject to the RRP ruling?

## **Answer**

No. The activity described above does not disturb a painted surface. Therefore, the requirements of the RRP Rule do not apply.

## **Minor Repair and Maintenance Activities**

### **Question (23002-18381)**

If a renovator disrupts six square feet or less of painted surface per room in several rooms inside one property, does the RRP Rule apply?

## **Answer**

No, as long as no prohibited work practices are used and the work does not involve window replacement or demolition of painted surfaces. The exception to the RRP rule for work that disrupts six square feet or less of painted surface applies to each individual room and is inclusive of all work done in the room in any 30-day period.

### **Question (23002-18379)**

If a renovator disrupts 20 square feet or less of painted surface per side on several sides of the exterior of one property, does the RRP Rule apply?

## **Answer**

Yes. To qualify for the exception for minor repair and maintenance activities, the total amount of exterior paint disrupted must be 20 square feet or less. In addition, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

### **Question (23002-19749)**

My firm installs carpets. Sometimes there is no need to remove an existing carpet before installing the new carpet, but sometimes there is. How do I know when I need to comply with the RRP Rule?

#### **Answer**

If when installing the carpet, you disrupt six square feet or less of painted surface per room, the job is not covered by the RRP Rule.

### **Question (23002-18484)**

If I am insulating a multi-family building, does the standard for interiors of six square feet or less of disrupted painted surface, or the standard for exteriors of 20 square feet or less of disrupted painted surface apply to the whole building or can it be applied to each separate unit?

#### **Answer**

For interiors, the exception for work that disrupts six square feet or less of painted surface applies to each individual room and is inclusive of all work done in the room in any 30-day period. For exteriors, to qualify for the exception for minor repair and maintenance activities, the total amount of exterior paint disrupted must be 20 square feet or less. In addition, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

### **Question (23002-15677)**

Does the minor maintenance exception mean that if I drill one-inch holes in a painted surface to blow insulation into an enclosed wall cavity, I could drill 864 holes in the interior or 2880 holes on the exterior before I had to comply with the RRP Rule? Or does it mean that the work is covered by the RRP Rule once I insulate more than 6 square feet of interior wall area (basically one hole) or more than 20 square feet of exterior wall area?

#### **Answer**

The exception is based on the area of paint disrupted, which in this example is based on the combined areas of the holes drilled in the wall.

### **Question (23002-18429)**

If an electrician or plumber, working in a different room from the contained renovation project, needs to drill or cut a hole six square feet or less in size to chase a wire or pipe, does the RRP rule apply to that work?

#### **Answer**

As long as six square feet or less of painted surface in that room is disrupted within 30 days, including the work done by the electrician or plumber, and the job does not use prohibited practices or involve window replacement or demolition of painted surfaces, the minor repair and maintenance exception to the RRP rule applies.

### **Question (23002-18383)**

If a renovator removes less than six square feet of crown molding, is that considered demolition? Does it matter whether the molding will be discarded, replaced with new molding, or reinstalled?

#### **Answer**

It depends on how the molding is removed. If a renovation activity removes or otherwise disrupts a painted component in a way that destroys or ruins the component, the activity is a demolition.

### **Question (23002-18515)**

If I use a hammer to make a hole in a wall that is two feet on each side, does the RRP Rule apply?

### **Answer**

Yes. Although making the hole disrupts less than six square feet of painted surface, using a hammer to make the hole is demolition of the surface, so the minor repair and maintenance exception does not apply. Making the hole using a cut-out technique that does not destroy the section of the wall that is removed is not demolition, and the minor repair and maintenance exception would apply.

### **Question (23002-19724)**

My company installs new or replacement seamless gutters. We install the gutters using self-tapping 3/16" to 1/4" screws and the cumulative size of the total number of holes is only a couple of square inches. If the job does not involve sanding, scraping, repainting, repair, replacement or reconditioning of the fascia surface, is it covered by the RRP Rule?

### **Answer**

Minor repair and maintenance activities are not subject to the requirements of the RRP Rule. For exterior renovations, minor repair and maintenance activities are those activities that disrupt 20 square feet or less of painted surface, and do not use prohibited practices or involve window replacement or demolition of painted surfaces.

If the job described, when combined with other renovation work on the exterior of the building, does not disrupt more than 20 square feet of painted surface, and does not use prohibited practices or involve window replacement or demolition of painted surfaces, it is a minor repair and maintenance activity that is not subject to the requirements of the RRP rule.

### **Question (23002-19163)**

Is replacing a pane of glass or fixing a broken window balancer a renovation covered by the RRP Rule?

### **Answer**

It depends. Replacing a pane of glass or fixing a broken window balancer can disturb paint. If the job disrupts more than six square feet of painted surface per room, the job is not considered minor repair and maintenance and it is covered by the RRP Rule. When removing a component, calculate the six-square foot area based on the surface area of the component.

### **Question (23002-15404)**

Does drilling holes in window frames to install window treatments such as shades and shutters qualify as minor repair and maintenance?

### **Answer**

Yes, as long as the installation does not disturb more than six square feet of painted surface per room within a 30-day period.

### **Question (23002-14294)**

As a floor covering installer, I use an undercut saw to remove a small amount of wood at the bottom of baseboards and door casings. I am only disturbing the paint in the 1/8 inch cut of the blade. How do I calculate the area of the paint that is affected for purposes of the minor repair and maintenance provision?

### **Answer**

A job is considered minor repair and maintenance, rather than a renovation covered by the RRP Rule, if it disrupts six square feet or less of painted surface per room in a 30-day period. Calculate the area of painted surface disrupted based

on the surface area of the component that is disrupted. For example, cutting a 1-inch strip off a door that is 36 inches wide would disrupt 36 square inches of painted surface, regardless of the width of the cut made by the saw blade.

### **Question (23002-23857)**

When replacing an old wood door and frame with a new steel entry door and frame, how do I determine whether the job qualifies as a minor repair and maintenance activity? Do I calculate the amount of painted surface disrupted using the standard for interior renovations (six square feet or less in the room where the door is located) or for exterior renovations (20 square feet or less)?

### **Answer**

If replacing the door and frame disrupts more than 6 square feet of interior painted surface in the room where the door is located, or more than 20 square feet on the exterior of the building, the job does not qualify as a minor repair and maintenance activity, and the RRP Rule applies. Calculate the area of painted surface disrupted based on the surface area of the component that is disrupted. In addition, to qualify as a minor repair and maintenance activity, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

### **Question (23002-31779)**

My firm removes and replaces garage doors. The garage doors are typically made up of multiple panels, each of which has an exterior painted surface area of less than 20 square feet. Aggregated, the exterior painted surface area of all the panels exceeds 20 square feet. If we disturb the paint on just one of the door panels, is that activity subject to the RRP Rule?

### **Answer**

An activity that disturbs less than 20 square feet of exterior painted surface and otherwise meets the definition of minor repair and maintenance is not subject to the RRP Rule. However, the RRP Rule provides that when removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.

In this case, application of the RRP Rule is dependent on how much of the garage door your firm intends to remove and replace. If you disturb a painted surface on a single panel while removing and replacing the entire garage door (i.e., all the panels), you must aggregate the surface area of all the panels. Similarly, if you disturb a painted surface on a single panel while removing and replacing more than one panel, you must aggregate the surface area of those panels being removed to determine whether or not the RRP Rule applies. If, however, you disturb a painted surface on a single panel while removing and replacing only that panel, and the activity disturbs less than 20 square feet of exterior painted surface and otherwise meets the definition of minor repair and maintenance (e.g., not demolition or using prohibited practices), such an activity would be considered minor repair and maintenance, and therefore would not be subject to the RRP Rule.

### **Question (23002-32366)**

Please provide guidance on how the Agency will interpret the term “minor repair and maintenance activities.” Is the replacement of a window measuring less than six square feet considered minor repair and maintenance? If I use a torch to burn off less than 20 square feet of paint on exterior fixtures, is that considered minor repair and maintenance? What does EPA mean by demolition? How is the size of the disrupted surface calculated? If I sand five square feet of paint on one wall on one day, and five square feet on a different wall in the same room on the next day, are both projects considered minor repair and maintenance?

### **Answer**

“Minor repair and maintenance” is defined in 40 CFR 745.83 as activities that disrupt less than 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. Even if an entire window measures less than six square feet, the replacement of any size window is a renovation, not minor repair and maintenance, because it is specifically excluded from the definition of “minor repair and maintenance.” Similarly, because torch burning is prohibited by 745.85(a)(3), no activity involving torch burning can be considered minor repair and maintenance. For the purposes of the definition of

minor repair and maintenance, EPA considers demolition to be an activity that removes or otherwise disrupts a painted component in a way that destroys or ruins the component.

The definition of “minor repair and maintenance” provides some guidance on how to measure the surface disrupted: “When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.” In other cases, when painted surfaces are being disturbed or disrupted, but not completely removed, the disrupted surface area is the area being actively disturbed. For example, when spot sanding to prepare a surface for painting, the area of the surface that was actually sanded is the surface area disrupted.

Finally, the definition of “minor repair and maintenance” states that “jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.” Therefore, sanding five square feet of paint in the same room on two different days within the same 30-day period must be considered the same job, which would be a renovation because it does not meet the definition of “minor repair and maintenance.”

## Renovations for Compensation

### Question (23002-32214)

Is work done by friends, a brother-in-law, or volunteers covered by the RRP Rule if no one is compensated?

#### Answer

No. The RRP Rule only applies to renovations performed for compensation. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space.

Even if you are not required to comply with the RRP Rule, it is important to be aware that renovation activities can create hazardous lead dust and chips. The key to protecting yourself and your family during renovation is to use lead-safe work practices. Information on these practices is available in the *EPA Small Entity Compliance Guide to Renovate Right*, available in English and Spanish by visiting <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

### Question (23002-19773)

My non-profit home repair organization performs renovations using mostly volunteers. We do some painting and scraping but we do mostly roof repair and interior work (bathrooms, kitchens, etc.). Obviously, we want to be in compliance with the law and we want our volunteers, staff and homeowners to be safe. Equally, we want to make sure that we are able to continue to offer this valuable service to our community. Is my organization’s work covered by the RRP Rule?

#### Answer

The RRP rule covers renovations performed for compensation. If the organization is compensating anyone for the work (for example, a paid supervisor), then the renovation is covered by the RRP Rule. This is the case even though the organization has non-profit status.

The organization may also need to become certified as a firm. Beginning April 22, 2010, an organization that performs, offers, or claims to perform renovations covered by the RRP Rule must be certified by EPA. A non-profit organization that offers to renovate the property of a third party for compensation, or that performs the renovation, must be certified as a firm. The organization must comply with all the requirements of the rule that apply to firms performing renovations. This includes having a certified renovator direct the work and provide on-the-job training to all uncertified workers, including volunteers.

### Question (23002-17957)

How will the RRP Rule affect the work of non-profit or not-for-profit groups? Will the rule apply, for example, to church groups who, as part of their missionary work, are making improvements for low-income residents?

## **Answer**

The RRP Rule applies to renovations performed for compensation. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space. Donations, including donations of materials or of the time of volunteers, are not compensation. If the organization is compensating anyone for the work (for example, a paid supervisor), then the renovation is covered by the RRP Rule. This is the case even though the organization has non-profit or not-for-profit status.

The organization may also need to become certified as a firm. Beginning April 22, 2010, an organization that performs, offers, or claims to perform renovations covered by the RRP Rule must be certified by EPA. A non-profit organization that offers to renovate the property of a third party for compensation, or that performs the renovation, must be certified as a firm. The organization must comply with all the requirements of the rule that apply to firms performing renovations. This includes having a certified renovator direct the work and provide on-the-job training to all uncertified workers, including volunteers.

## **Question (23002-18382)**

If a renovator is only reimbursed for materials, would that be considered compensation?

## **Answer**

No. Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space. Reimbursement for the cost of materials is not compensation.

## **Question (23002-23856)**

When repainting rental housing, if the landlord supplies the paint and materials, and the tenant does the labor without receiving money, credit toward rent, or other compensation, does the RRP Rule apply?

## **Answer**

No. The RRP Rule only applies to renovations performed for compensation.

## **Question (23002-19765)**

My local community has formed a "Long Term Recovery Committee" to assist in the rebuilding and recovery efforts following a natural disaster. The committee, which is a coalition of member agencies from the faith community, nonprofit agencies, government programs, businesses and individual donors, gathers monetary and material donations and provides assistance to families with unmet needs via volunteer work crews and/or contracted skilled labor. Are the rebuilding and recovery efforts organized by this committee subject to the RRP Rule?

## **Answer**

It depends. Renovation activities that are performed for free by committee volunteers are not covered under the Rule because they are not "renovations performed for compensation." Donations, such as donations of materials or of the time of volunteers, are not compensation. Conversely, renovation activities that are performed by renovators or firms who are compensated for their services are subject to all requirements under the Rule. This applies if the committee is compensating anyone for the work (ex. a paid supervisor), even if the committee has non-profit or not-for-profit status.

## **Question (23002-32412)**

I have a for-profit business where I purchase residential properties and renovate them. I initially try to rent the property, but if I can't find tenants, then I try to sell the property. I pay for and perform all of the work myself, and keep all profits from the sale or lease. Is this type of renovation work on pre-1978 properties covered by the Renovation Repair and Painting (RRP) Rule?

## **Answer**

Yes. Individuals who buy, renovate, and sell pre-1978 residential properties for a profit (i.e., house flippers) or lease pre-1978 residential properties (i.e., landlords), and do the renovation work themselves, are performing renovations for compensation and are therefore subject to all requirements under the RRP Rule. You must be a trained and certified renovator in order to perform the work, and certified as a lead-safe firm. See FQ #23002-18512 for more information related to landlords performing their own renovations in pre-1978 housing.

Similarly, businesses that buy, renovate, and sell pre-1978 residential properties and use their own employees to do the renovation work are performing renovations for compensation and are subject to all requirements under the RRP Rule. The business must be a lead-safe certified firm, and employ at least one certified renovator to perform the covered renovations.

However, individuals or businesses that buy, renovate, and sell pre-1978 residential properties (i.e., flip houses) do not need to be certified if they hire an outside renovation firm to perform all the work. The outside renovation firm hired must be a lead-safe certified firm, perform the renovation using a trained and certified renovator, and is otherwise responsible for meeting all work practice and recordkeeping requirements.

## **Target Housing**

### **Question (23002-17116)**

How does a firm or renovator document or confirm the age of the structure? Is a signed statement by the occupant sufficient? Can publicly available information such as tax records, etc. be sufficient?

## **Answer**

Renovation firms are responsible for determining the age of the property. The property owner is likely to be a good source of information on the age of a home or other building, but the firm may not rely on the statement of the property owner as to the construction date of the building if there is evidence to the contrary. If in doubt, renovation firms can use tax assessments, property records, and similar information to determine the date of construction. Finally, the renovation firm may always assume that a home or child-occupied facility was constructed before 1978.

### **Question (23002-15716)**

Does the term "target housing" mean just low-income housing, or any home built before 1978 regardless of the financial status of the occupants?

## **Answer**

"Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than six years of age resides or is expected to reside in such housing). The income of the occupants of the housing is not relevant.

### **Question (23002-18146)**

I understand that the RRP Rule does not apply to housing for the elderly. Does this term refer to specific built houses in 55+ communities or does it refer to all residential homes with this demographic living there?

## **Answer**

"Housing for the elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy. Housing for the elderly is not subject to the RRP Rule unless a child who is less than six years of age resides or is expected to reside in the housing.

### **Question (23002-18144)**

I understand that the RRP rule does not apply to dormitories. Does the rule apply to a unit of student housing made up of two bedrooms, a living room, and kitchen?

#### **Answer**

Yes. While the RRP rule does not apply to zero-bedroom housing, the type of housing described is not zero-bedroom housing. Zero-bedroom housing means a residential dwelling in which the living area is not separated from the sleeping area. Examples include efficiencies, studio apartments, and dormitory housing. In the example given, the bedrooms provide sleeping areas that are separate from the living area, so the housing does not meet the definition of zero-bedroom housing and the RRP rule applies.

### **Question (23002-17978)**

I am a contractor a couple years from retirement and I am closing down my business. I do not plan to become certified under the RRP Rule. My understanding is that I can continue working on homes built after 1978?

#### **Answer**

The RRP Rule does not apply to renovations in housing built in 1978 or later.

### **Question (23002-19840)**

Older hotels built before 1978 are knocking down walls, combining two hotel rooms, and making their units two-room or even three-room suites. My understanding has been that single hotel rooms are considered zero-bedroom dwellings. Does the RRP Rule apply when one-room units are converted to two-room suites?

#### **Answer**

Yes. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation for purposes of the RRP Rule.

Hotel suites that provide a sleeping area that is separate from the living area are covered by the RRP Rule because they are not zero-bedroom dwellings. A zero-bedroom dwelling is a residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

### **Question (23002-22024)**

What is "housing for persons with disabilities"?

#### **Answer**

"Housing for persons with disabilities" means housing that is designed to meet the special needs of persons with disabilities and that is reserved for such persons. A person with a disability may include a person who has a disability attributable to a mental or physical impairment, or a person with a chronic mental illness. EPA recommends that you check with state or local housing authorities if it is unclear whether a particular property meets this definition.

### **Question (23002-22148)**

What is a studio apartment?

#### **Answer**

A studio apartment is an apartment in which the living area is not separated from the sleeping area.



### **Question (23002-18378)**

If a renovation is taking place in a home built in 1950, but in an addition that was built in 1980, does the RRP Rule apply to the renovation?

#### **Answer**

Yes. The RRP Rule applies to a renovation in target housing unless it has been determined that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>) or 0.5% by weight.

For purposes of the RRP Rule, only a certified renovator, inspector or risk assessor can make this determination. Certified renovators must base their findings on the results of an EPA-recognized lead test kit or paint chip sampling. See 40 CFR 745.82(a)(2) and (3). Certified inspectors or risk assessors may also base their findings on the results of an EPA-recognized lead test kit, or can use the additional testing methodologies (ex. XRF analysis, etc.) allowed under their certifications. See 40 CFR 745.82(a)(1). Notably, certified inspectors and risk assessors may determine that a component does not contain lead-based paint because it has been replaced after 1978.

Any firm performing paint chip sampling or testing for the presence lead-based paint for RRP purposes must keep a copy of the written determination and make the records available to EPA if requested.

### **Question (23002-14024)**

Are renovations in short-term lodgings, such as hotels and motels, time share properties, and homeless shelters, covered by the RRP Rule?

#### **Answer**

Yes, if the property renovated is not a zero-bedroom dwelling. A zero-bedroom dwelling is a residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

The short-term nature of a property's occupancy does not in itself exempt it from the RRP Rule.

### **Question (23002-15690)**

Does the RRP Rule apply to renovations in mobile homes?

#### **Answer**

Yes, if the mobile home meets the definition of target housing. "Target housing" is any housing constructed before 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than six years of age resides or is expected to reside in the housing). A zero-bedroom dwelling is a residential dwelling in which the living area is not separated from the sleeping area.

### **Question (23002-31782)**

Are renovations performed on detached garages, sheds and other detached outbuildings on the property subject to the RRP Rule?

#### **Answer**

Yes. EPA interprets target housing to include pre-1978 buildings or structures that are (1) located on the residential portion of the property, and (2) associated with the residential use of the property. As a practical matter, the entire property of most urban and suburban residential lots is normally considered to be associated with residential use.

In the case of real property that is used for nonresidential as well as residential purposes, a judgment should be made as to which part of the property is associated with residential use. For example, if the structure is in such close proximity that the renovation would pose a risk to those using the property for residential purposes, the structure would be considered associated with the residential use of the property and the RRP Rule would apply.

### **Question (23002-31783)**

My firm plans on doing renovation work on a storage building which is detached from, but a part of, an apartment complex. The apartment complex was constructed prior to 1978 and would be considered target housing. The storage building, however, was constructed after 1978. Will our work on the storage building be covered under the RRP Rule?

### **Answer**

The RRP Rule does not apply to renovations of a detached post-1978 building or structure, even if the building or structure is located on the residential portion of the property or associated with the residential use of the property.

### **Question (23002-32492)**

Are prison facilities and juvenile detention centers built before 1978 considered target housing?

### **Answer**

Target housing means any housing constructed prior to 1978. Certain parts of prison facilities and juvenile detention centers that house incarcerated persons are housing. However, as a practical matter, EPA believes that the most parts of prisons and juvenile detention centers that would be considered housing are also zero-bedroom dwellings (i.e., a residential dwelling in which the living area is not separated from the sleeping area) and therefore not subject to the RRP Rule.

### **Question (23002-32518)**

Does zoning affect the target housing determination? For example, would a pre-1978 house that is zoned for commercial or office use, but used for residential purposes be considered target housing?

### **Answer**

In determining whether a pre-1978 property is target housing, it is the actual or intended use of the property that matters, not its zoning classification. Therefore, a pre-1978 house that is used or intended to be used as a residence, even if only temporary, is target housing regardless of its zoning classification. The actual or intended use of a property is often made apparent by the type of building features it contains. Residential use, for example, is likely when the building contains a kitchen, bathroom(s), bedroom(s), living room, etc.

### **Question (23002-32519)**

How would RRP classify a pre-1978 property that is used for both residential and non-residential purposes? For example, would RRP apply to renovations in a pre-1978 house that is partially used as a residence and partially used as a legitimate commercial business?

### **Answer**

EPA has interpreted target housing to include pre-1978 buildings or structures that are (1) located on the residential portion of the property, and (2) associated with the residential use of the property. In other words, if a portion of residential property is used for nonresidential purposes, the portion will nonetheless be considered target housing if it is associated with residential use. The portion would be considered associated with the residential use of the property if it is in such close proximity that the renovation would pose a risk to those using the property for residential purposes.

In the above example, if the room or structure containing the commercial business was (1) on the residential portion of the property, and (2) was in such close proximity to the residential use of the property that a renovation would pose a risk to the residents, the room or structure would be considered target housing and the RRP Rule would apply.

### **Question (23002-33291)**

Are sleeping areas in building built before 1978, such as those in fire and police stations, considered target housing?

## **Answer**

Firehouses and police stations are not target housing. Therefore, places of temporary rest for employees in these buildings, such as sleeping rooms, are not subject to the RRP Rule.

## **Question (23002-33649)**

How do the RRP requirements apply to renovations on a pre-1978 building that contains both multi-room apartments (i.e., target housing) and zero-bedroom dwellings?

## **Answer**

In pre-1978 buildings that contain a mix of target housing and zero-bedroom dwellings, the RRP rule applies only to renovations performed in target housing and common areas. Common areas are those portions of a property generally accessible to residents/users of target housing, and can exist on both the interior and exterior of the building. They include, but are not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers and boundary fences.

Therefore, in a building that contains both multi-room apartments (i.e., target housing) and zero-bedroom dwellings (i.e., non-target housing), the RRP Rule applies to renovations in the multi-room apartments and to renovations on those portions of the property that are generally accessible to all residents/users of the building. The RRP rule does not apply to work performed in the zero-bedroom dwellings.

## **Child-Occupied Facilities**

### **Question (23002-18778)**

Is a health care facility or hospital covered under the RRP Rule if it meets the definition of a child-occupied facility?

## **Answer**

Yes. The RRP Rule defines a child-occupied facility as a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under six 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 three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

### **Question (23002-18212)**

If a building contains a child-occupied facility, must all renovations in the building follow the RRP Rule?

## **Answer**

Not necessarily. "Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under six 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 three hours and the combined weekly visits last at least six 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.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age six.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

### **Question (23002-22691)**

What is the definition of a child under six years of age?

#### **Answer**

A child under six years of age is a child that is less than 72 months old.

### **Question (23002-13611)**

A child's consecutive visits to a particular building (such as a hospital) can technically qualify that building as a child-occupied facility, even if the visits were an isolated or rare event. How long does such a building remain a child-occupied facility?

#### **Answer**

A building, or portion of a building, is defined as a child-occupied facility when visited regularly by the same child, under six years of age, on at least two different days within any week, provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. The determination of whether a building is a child-occupied facility (i.e., whether a child under age six regularly visits the building as set forth above) requires an accounting of annual visits. Therefore, whenever a building meets the definition of a child-occupied facility, it remains so for at least a period of one year. After that period, it may be determined that the building no longer meets the definitions of a child-occupied facility.

### **Question (23002-33342)**

What is a child-occupied facility?

#### **Answer**

A child-occupied facility is a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under six 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 three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may be located in public or commercial buildings or in target housing. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

## **Testing Painted Components**

### **Question (23002-18782)**

Is a lead-based paint inspection, performed by a certified inspector or risk assessor, that includes a written determination that various building components are free of paint or other surface coatings containing lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>) or 0.5% by weight sufficient to determine compliance with requirements of the RRP rule?

#### **Answer**

The RRP Rule does not apply to target housing where a certified inspector or risk assessor has determined that the components affected by the renovation are free of regulated lead-based paint or that a property is free of lead-based paint for the purposes of the Lead Disclosure Rule.

The RRP Rule does not require certified inspectors or certified risk assessors to test each and every component that will be affected by a renovation. Certified inspectors or risk assessors are free to conduct representative sampling, so long as the components to be tested are chosen in accordance with documented methodologies, such as the HUD Guidelines. However, because certified renovator training does not cover representative sampling protocols, certified renovators using

EPA-recognized lead test kits or performing paint chip sampling to determine the applicability of the RRP Rule must test each and every component that will be affected in order to determine that the RRP Rule does not apply to a particular renovation.

### **Question (23002-18015)**

I am an owner/agent for an apartment community built prior to 1978. In 2004, testing of a random sample of units was completed by a certified testing firm. The results were negative for lead paint but positive for lead dust. With the positive lead dust result, are we required to comply with the RRP Rule?

### **Answer**

No. As long as the determination that the units are free of lead-based paint was made by an inspector or risk assessor certified by EPA or by an authorized State or Tribal program, renovations in the building are not covered by the RRP Rule.

### **Question (23002-32215)**

When testing a property for the presence of lead prior to beginning a renovation using an EPA-recognized lead test kit, must I test every component affected by the renovation?

### **Answer**

Yes. Because certified renovator training does not cover sampling protocols, certified renovators using EPA-recognized lead test kits or performing paint chip sampling to determine the applicability of the RRP Rule must test each and every component that will be affected in order to determine that the RRP Rule does not apply to a particular renovation.

### **Question (23002-18218)**

If a certified inspector or risk assessor determines that a component was installed post-1978 and is therefore free of lead-based paint, can the renovation firm rely on this determination?

### **Answer**

Yes, as long as the renovation firm has obtained a copy of the determination. The firm must retain a copy of the determination for three years after completion of the renovation.

### **Question (23002-18347)**

If a property is tested by a certified renovator, inspector, or risk assessor and found to be free of lead-based paint, does any testing need to be done again if work is done on the property several years later?

### **Answer**

Where a certified renovator uses an EPA-recognized lead test kit or performs paint chip sampling to determine that a component is free of lead-based paint, or a lead-based paint free determination is made by a certified inspector or risk assessor, firms performing renovations on the same components may rely on these results as long as the records are still available. Lead-based paint free determinations by a certified inspector or risk assessor are valid for both the Real Estate Notification and Disclosure Rule and the RRP Rule and they do not expire.

### **Question (23002-33377)**

I'm a certified renovator using an EPA-recognized lead test kit to determine whether or not I have to follow the Renovation Repair and Painting (RRP) Rule work practices. What components must test negative for lead-based paint in order to qualify for the exclusion in 40 CFR 745.82(a)(2)?

## Answer

Generally, a certified renovator using an EPA-recognized lead test kit must test each building component to be disturbed. The only exception to this requirement is when the components make up an integrated whole. In such a case, one or more component(s) may represent a system of components, unless it is obvious to the renovator that the components have been repainted or refinished separately.

A staircase, for example, is made up of numerous repeating components which can be grouped together as integrated wholes for testing purposes. For these purposes, staircase components can be grouped into the following integrated wholes: (1) treads and risers, (2) balustrades, (3) newel posts, (4) railing caps, and (5) stringers. A single individual staircase component (e.g., a baluster) may represent the remaining staircase components of the same group (i.e., the rest of the balustrades on the staircase) unless it is obvious to the renovator that the components have been repainted or refinished separately. Therefore, where an entire staircase is to be disturbed, EPA believes it will be necessary to test five surfaces: one tread or riser, one balustrade, one newel post, one railing cap, and one exposed stringer. So long as it is not obvious that the components have been repainted or refinished separately, a negative test for lead-based paint on an individual staircase component in each of these groups would mean that a renovation on that particular staircase could be performed without regard to the RRP work practices.

EPA also believes it appropriate to apply the integrated whole concept to windows and doors. For testing purposes, window and door components can be grouped into the following integrated wholes: (1) the window or door assembly and (2) the window or door trim. Window assembly components include the sashes, stops, head, jambs, sill or stool, and trough; door assembly components include the door slab(s), jambs, head, sill and threshold. As a practical matter, it is likely that interior and exterior surfaces of window and door assemblies were repainted or refinished separately and should be tested separately. Therefore, where both the window/door assembly and trim will be disturbed (e.g., a full-frame window/door replacement), EPA believes that it will be necessary to test four surfaces: one interior window/door assembly component, one interior window/door trim, one exterior window/door assembly component, and one exterior window/door trim. However, if you only disturb paint on the interior or exterior of a window then you only need to test the assembly and trim on that side. If it is not obvious that the components have been repainted or refinished separately, a negative test for lead-based paint on a component in each of these groups would mean that a renovation on that particular window or door could be performed without regard to the RRP work practices.

NOTE: Each window, door and staircase to be disturbed must be separately tested, even if in the same room. Also, negative testing results must still be documented in accordance with the recordkeeping and reporting requirements of 40 CFR 745.86(b)(1)(ii) and (iii), and 745.86(a) and (c). See also FQ 23002-18220.

## Emergency Renovations

### Question (23002-37000)

A home sustained flooding as a result of a hurricane. Once the flood water recedes, my firm must make the necessary renovations including tearing out wet drywall before mold begins to grow. How do the record keeping requirements apply to an emergency renovation? How should my firm fill out the record keeping checklist if not all of the requirements are followed?

## Answer

Emergency renovations (other than interim controls performed in response to a child with an elevated blood lead level) are exempt from the training, certification, sign posting, waste handling and containment requirements of the RRP Rule only to the extent necessary to respond to the emergency. Firms must nonetheless comply with the cleaning requirements (performed by certified renovators and trained workers), cleaning verification (performed by certified renovators), and record keeping requirements of the RRP Rule.

The RRP Rule's record keeping provision recognizes that records kept for an emergency renovation may very well differ from a more typical renovation. Specifically, if the renovation firm was unable to comply with all of the requirements of the RRP Rule due to an emergency, the firm must document the nature of the emergency and the provisions of the rule that were not followed, in addition to the other rule provisions that must be documented for an emergency renovation. For example, if the firm did not post warning signs or remove or cover all objects in the work area, it should clearly state in its records that these activities were not followed due to the emergency. With regard to the record keeping checklist, the firm should leave unchecked each task that was not performed due to the emergency. The documentation of the nature of the

emergency and the work practices that were not followed may be written as a notation on the checklist, for example, or otherwise recorded (e.g., by attaching it to the checklist).

Although the emergency provision exempts certain RRP work practices, firms should perform as many of these lead-safe work practices as possible when conducting activities that must be immediately undertaken to respond to the emergency. For example, if the firm can contain the work area and still address the emergency, it should do so. Once the urgent safety and public health hazards and threats of significant property damage have been attended to (e.g., when the wet drywall is removed in the above scenario) the emergency provision can no longer be utilized and any additional renovation activities would be subject to all the requirements of the rule.

### **Question (23002-32367)**

What is an “emergency renovation” for purposes of the RRP Rule?

### **Answer**

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. Likewise, emergency renovations are exempt from the 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.

Once the portion of the repair that addresses the source of the emergency is completed, however, the justification for the exemption from the rule is no longer operative; therefore, any additional renovation activity needed to return the renovation work area to its pre-emergency condition would be subject to the requirements of the rule. Thus, for example, repairing a hole in a wall after a broken water pipe has been repaired would be subject to the rule, as would repainting any water-stained walls or ceilings resulting from the pipe break.

### **Question (23002-16822)**

How do I know if a child has an EBL prior to my work if they haven’t had their blood lead tested recently?

### **Answer**

It is never the renovation firm’s responsibility to determine whether a child has an elevated blood lead (EBL) level.

### **Question (23002-15678)**

Does the RRP rule apply to contractors working on homes damaged by a hurricane or other natural disaster?

### **Answer**

Damage from a major storm or other natural disaster could result in the need for emergency renovations. Certain requirements of the RRP Rule do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. The information distribution requirements do not apply to emergency renovations. Weather-based emergency renovations are also exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. These emergency renovations are not exempt from cleaning requirements, cleaning verification requirements, or recordkeeping requirements.

### **Question (23002-19734)**

My company only does emergency renovation work. According to your guidelines, emergency projects are exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. Emergency renovations are NOT exempt from the cleaning and cleaning verification requirements. Does this mean that my firm does not need to be certified and my company doesn't need a certified renovator? Does this also mean that my employees would only have to be trained on cleaning and cleaning verification guidelines?

## **Answer**

No. Emergency renovations (other than interim controls performed in response to a child with an elevated blood lead level), are exempt from the training, certification, sign posting, waste handling and containment requirements of the RRP Rule *only to the extent necessary to respond to the emergency*. For example, most property management companies that do their own maintenance are likely to have at least one trained and certified renovator on staff to perform renovations, so these companies should be able to comply with the training and certification requirements on all renovations. A firm that performs only emergency renovation work by definition can anticipate the need to perform emergency renovations and should be able to comply with the training and certification requirements of the RRP Rule.

## **Opt-Out Provision**

### **Question (23002-32216)**

What was the "opt-out" provision and when was it revoked?

## **Answer**

On April 22, 2010, EPA issued a final rule revoking the opt-out provision of the 2008 RRP Rule. The rule was published in the Federal Register on May 6, 2010, and took effect on July 6, 2010.

As originally published in 2008, the RRP Rule allowed homeowners to "opt out" of the requirement to hire a trained renovator who follows the RRP work practices if the homeowner certifies that (1) the renovation will occur in the owner's residence, (2) no child under age six or pregnant women resides there, (3) the housing is not a child-occupied facility, and (4) the owner acknowledges that the renovation firm will not be required to use the work practices contained in the RRP Rule.

Under the 2010 RRP Rule, homeowners are no longer permitted to "opt out" of having a renovation performed without the RRP work practices.

## **Pre-Renovation Education**

### **Question (23002-18832)**

Is an electronic version of the lead information pamphlet sent to the customer via e-mail an acceptable means of distributing the information?

## **Answer**

The distribution of the lead information pamphlet (40 CFR 745.83) via e-mail is an acceptable means of distributing the pamphlet as long as the requirements of the Electronic Signatures in Global and National Commerce Act ("Act") (15 U.S.C. 7001 et seq.) are met. The Act requires that the recipient of the pamphlet, among other things, consents electronically to email delivery and in a manner that demonstrates that the recipient can access the information in the form it will be provided. In addition, the recipient must be allowed to withdraw this consent and be informed of the procedures for withdrawing consent. Further, the recipient must be provided with a statement of the hardware and software requirements for accessing and retaining the pamphlet.

### **Question (23002-21374)**

What are the pre-renovation education requirements for a vacant apartment?

## **Answer**

Firms performing renovations must provide pre-renovation education to the owner of the unit and to an adult occupant. If the unit is not occupied, providing pre-renovation education to the owner of the unit is sufficient. For additional information on these requirements, visit <https://www.epa.gov/lead/small-entity-compliance-guide-reno-vate-right-epas-lead-based-paint-renovation-repair-and>.



## Question (23002-19756)

My firm performs renovations in large apartment complexes that often consist of several separate buildings. If a renovation is to be performed in a common area in one building, are we required to provide pre-renovation education to all tenants in all buildings?

### Answer

When renovations are to be performed in common areas of multi-unit target housing, the RRP Rule requires that the firm notify in writing both the owner of the building and each “affected unit.” See 40 CFR 745.84(b)(1) and (2). Common areas are those portions of a property generally accessible to residents/users, and can exist on both the interior and exterior of the building.

Generally, the exterior of a building in a multi-building complex is likely to be accessible to all residents/users in all buildings. Therefore, if a renovation is to be performed on an exterior common area, all units would probably be “affected units” and require notification. Conversely, the interior of a building is likely only to be accessible to the residents/users of that particular building. If a renovation is to be performed in an interior common area of one building in a multi-building complex, then only the units located in that building would be “affected” and require notification.

Firms may choose to comply with this requirement by mailing or hand delivering the “Renovate Right” pamphlet and information to each “affected unit,” or by posting informational signs while the renovation is ongoing describing the general nature and location of the renovation and anticipated completion date. For additional information on these options, visit <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>. As a practical matter, when “affected units” are difficult to determine, it may be easier or more efficient for firms to meet the pre-renovation education requirements by posting informational signs in the appropriate locations.

## Question (23002-18349)

When multiple contractors are involved in a single renovation, must every contractor provide pre-renovation education? Can a certified firm assign its responsibility to a property management company?

### Answer

All firms performing, offering or claiming to perform renovations are responsible for ensuring compliance with the pre-renovation education requirements of the RRP Rule. However, it is unnecessary for the same notifications and information to be given out repeatedly during a single renovation. Accordingly, a firm may discharge the task by reaching agreement on who will provide the required pre-renovation education, including an agreement to assign the task to a property management company. However, even with such an agreement in place, each firm remains responsible for ensuring that the pre-renovation education requirements are met.

Note: Firms may reach a similar agreement on who will prepare, retain and make available the necessary records. See FQ 23002-18287.

## Question (23002-23854)

When renovating a common area in an apartment building, must my firm provide pre-renovation education to all tenants?

### Answer

Yes. Firms performing renovations in common areas of multi-unit housing must comply with the information distribution requirements before beginning renovation activities. The firm must provide the owner of the common area being renovated (generally the building owner) with the “Renovate Right” pamphlet and obtain a written acknowledgement of receipt. The firm must also provide the occupant of each individual unit affected by the renovation with information describing the general nature and locations of the renovation and the anticipated completion date. The firm may comply with this requirement either by mailing or hand-delivering the pamphlet and information to each unit, or by posting informational signs while the renovation is ongoing describing the general nature and locations of the renovation and the anticipated completion date. For additional information on these requirements, visit <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

### **Question (23002-17773)**

How can a firm comply with the pre-renovation education requirements if the owner desires that the renovation begin immediately?

#### **Answer**

If the renovation is taking place in an owner-occupied dwelling unit, a firm must simply provide the owner with a copy of the pamphlet, and either (1) obtain, from the owner, a written acknowledgement that the owner has received the pamphlet, or (2) obtain a certificate of mailing at least seven days prior to the renovation.

If the owner does not occupy the dwelling unit (ex. the unit is leased), the firm must also provide an adult occupant with a copy of the pamphlet, and either (1) obtain from the adult occupant a written acknowledgement that the adult occupant has received the pamphlet, or (2) obtain a certificate of mailing at least seven days prior to the renovation. If an adult occupant is unavailable for signing an acknowledgment, a firm may employ the self-certification procedures described in 40 CFR 745.84(a)(2)(i), which require the firm to sign and date a statement attesting to the unavailability of the occupant and to the delivery of the pamphlet to the dwelling.

As a reminder, if the work to be performed is an “emergency renovation,” as defined in 40 CFR 745.82(b), the firm need not comply with the pre-renovation education requirements.

### **Question (23002-15799)**

EPA’s pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* is currently not published in a Braille format. If working in target housing occupied by persons who are blind, how should a firm comply with the pre-renovation information distribution requirements?

#### **Answer**

In addition to distributing the regular pamphlet, a firm working in such an environment should take extra precaution to ensure that the owner and occupants are aware of and understand the various dangers associated with lead. If necessary, a firm should be prepared to verbally convey the information in the pamphlet. Furthermore, because posted signs are not likely to warn blind occupants, a firm should also take necessary steps to inform them of the location of the work area and advise them to stay outside of the work area until the renovation is complete. Finally, a firm must prepare, sign and date a statement describing the steps performed to notify occupants of the renovation and to provide them with the pamphlet and information therein.

### **Question (23002-19753)**

My firm is going to perform renovations in a school during the students’ summer break. During the regular school year, the work area would fall under the definition of a child-occupied facility. However, no children under age six will be present during this multiple month break period. Do we still have to comply with the pre-renovation education requirements? If so, how should the information be distributed?

#### **Answer**

Yes. Even though the renovations will be taking place during a time when no children will be present, the building (or portion of the building) will remain a child-occupied facility. Breaks, such as those for summer or winter, are mere temporary disruptions in regular visits by children.

To provide the required information to the parents and guardian of children using the child-occupied facility, a firm must either: (1) mail or hand deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or (2) post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children. The signs must also be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can obtain a free copy from the renovation firm.

### **Question (23002-18346)**

If a project disturbs six square feet or less of interior surface or twenty square feet or less of exterior surface, is it necessary for a firm to comply with the pre-renovation education requirements, such as distributing the pamphlet?

### **Answer**

No. A project that disturbs six square feet or less of interior painted surface or twenty square feet or less of exterior painted surface is not considered a “renovation” under the Rule. It is considered a minor maintenance and repair activity. As long as this type of disturbance does not involve any prohibited work practice, window replacement or demolition of painted surfaces, a firm need not comply with the pre-renovation education requirements.

### **Question (23002-32354)**

I regularly perform renovations and repairs to common areas in a large apartment complex. Must I provide separate notice to the tenants for each one of these activities or is there any way to avoid such duplication?

### **Answer**

EPA recognizes that neither residents nor owners/managers/renovators are well-served if duplicative notifications are frequently issued for similar renovation activities. There are several options owners/managers/renovators may use to most efficiently provide residents in both single-family and multi-family housing with the necessary information.

(A) Informational Signs – Owners/managers/renovators may provide notice of renovation activities in common areas to affected tenants by posting signs. Signs must be posted while the renovation is ongoing and they must describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the “Renovate Right” pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the occupants.

(B) Category Notices – When renovation activities fall within distinct categories which are performed on a cyclical or recurring basis (e.g., hallway painting), they may be grouped into a single notice which describes the categories and provides a description of the locations affected. To fulfill the requirement for providing timing information for the renovations, owners/managers/renovators may either list the expected starting and ending dates, or employ one of the other methods for meeting the timing requirements described below.

(C) Bi-monthly Notices – Section 745.84(a) of the RRP Rule requires that notifications be given no more than 60 days before renovation activities begin. To minimize the number of notices required, owners/managers/renovators may group all of the renovation activities expected to occur over a 60-day period into a single notice distributed bi-monthly (every other month). Renovation activities which were expected to occur within a given 60-day period, but which were canceled or postponed, would simply be addressed in the subsequent bimonthly notice. Including renovation notices in, or as an attachment to, a pre-existing newsletter is acceptable provided that the cover of the newsletter prominently indicates that lead-based paint renovation notices are contained in or attached to the newsletter.

Descriptions of Renovation Timing -- Section 745.84(b)(2) of the RRP Rule requires that notices contain the “expected starting and ending dates” of the proposed common area renovations. Although providing specific dates is preferable wherever possible, the Agency is aware that unexpected events or circumstances often result in delays and/or cancellations of planned renovation activities. To provide sufficient flexibility without unduly compromising residents’ rights to information on the timing of renovations in common areas, owners/managers/renovators may employ the following terminology to address the following timing scenarios to avoid the needing to issue supplemental notices:

– “On or about” -- acceptable when the expected starting or ending dates occurs one week before or after the date given.

– “Early [insert month name]” – acceptable when the expected starting or ending dates occurs during the first half of the specified month.

– “Late [insert month name]” -- acceptable when the expected starting or ending dates occurs during the second half of the specified month.

– “Ongoing for the 12-month period beginning [insert month name]” – acceptable when the renovation commences within 60 days of the issuance of the notice and continues throughout the 12-month period. If an interruption of more than 60 days occurs any time after commencement of such activity, a new notice will be required before the activity may restart.

Descriptions of Renovation Ending Dates – Due to the inherent difficulties in estimating the duration of many renovation activities, owners/managers/renovators are encouraged to make allowances for unexpected delays when providing descriptions of ending days under Section 745.84(b)(2) of the RRP Rule. Any estimated ending date with a rational basis is acceptable.

### **Question (23002-32355)**

Must notifications for common area renovations always be provided to every unit in a multifamily housing complex?

### **Answer**

Not necessarily. When renovations are to be performed in common areas of multi-family housing (i.e., those portions of the property generally accessible to all residents/users), the RRP Rule requires that each “affected unit” be notified in writing. See 40 CFR 745.84(b)(2). As a general matter, all units in the housing are “affected unit(s)” and therefore must be provided with notice of a common area renovation.

However, in a minority of cases, certain areas of a property that meet the definition of common area may in fact be used almost exclusively by an identifiable subset of tenants. For example, a common area inside one building of a multi-building apartment complex is likely to be used exclusively by tenants of only that building. See FQ 23002-19756. If a renovation is to be performed on such a common area, EPA believes it appropriate to provide notice only to the truly affected units: the subset of tenant users.

Firms may notify residents/users either by distributing written notice to each affected unit or by posting informational signs. Signs must be posted while the renovation is ongoing and they must describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

### **Question (23002-32356)**

The RRP Rule requires delivery of the “Renovate Right” pamphlet to the owner and occupants of target housing. My firm was hired to perform a renovation in a pre-1978 apartment building. Is delivery of the pamphlet to the property manager sufficient for purposes of delivery to the owner of the building?

### **Answer**

Yes. Property managers are acting in the capacity of agents for the building owners. For this reason, a property manager may receive, and acknowledge receipt of, the lead hazard pamphlet on behalf of the owner.

In situations where property managers or their employees are performing the renovations themselves, they are acting both as a “firm performing the renovation” and as agents for the owner. Documents in the possession of an agent are also deemed to be in the possession of the person or entity represented by the agent. Thus, no separate action is required to satisfy the requirement to deliver the “Renovate Right” pamphlet to the owner.

### **Question (23002-32357)**

May I use the pamphlet “Protect Your Family from Lead in Your Home” to meet my obligations for pre-renovation education under the RRP Rule?

## Answer

No. As of December 22, 2008, only the pamphlet "[Renovate Right](#)" may be used to comply with the pre-renovation education requirements of the RRP Rule. "[Protect Your Family](#)" is still available for use during real-estate sales and lease transactions and for general information.

## Question (23002-32358)

If a renovation is to be performed on a private balcony of a single unit in a multi-unit target housing building, does that activity trigger the common area notification requirements?

## Answer

A determination of whether the balcony renovation falls within a common area depends upon the scope of the renovation activity. A common area is a portion of a building that is generally accessible to all residents/users. Thus, if the work area established to contain dust and debris from the renovation activity is entirely within the confines of the private balcony, then the renovation is not generally accessible to residents/users, not within a common area, and therefore not subject to the common area notification requirements. However, if the work area is not entirely within the confines of the balcony (e.g., the renovation will result in the release of dust, paint chips, or other construction debris to the ground beneath the balcony), the firm must comply with the pre-renovation education requirements for common area renovations.

## Question (23002-32359)

Can notices for multi-family housing common area renovations be delivered to the mailboxes of dwelling units, or only to the actual units themselves?

## Answer

Should a firm decide to comply with the pre-renovation education requirements by hand delivering or mailing "Renovate Right" pamphlets and notices, they may do so either through delivery of the notices directly to tenant units or through delivery to tenant mailboxes. If mailbox delivery is used, both hand delivery and delivery via U.S. mail are acceptable; however, U.S. mail deliveries must be sent seven days prior to the commencement of renovations and documented with a certificate of mailing.

As a practical matter, it may be easier or more efficient to provide notice of renovations in multi-family housing common areas by posting signs. Signs must be posted while the renovation is ongoing and describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

## Question (23002-32360)

If a firm completely blocks access to a common area for the duration of a renovation, does the renovator still have to provide notifications to all tenants?

## Answer

When tenant accessibility to a work site within a common area can be precluded for the duration of a renovation, EPA considers that work site to be temporarily excluded from the common area of the building for pre-renovation education purposes because it is not accessible to the residents and users of the building. To qualify for this exclusion, however, the work site must be in an area which is enclosed by a wall, fence, or other permanent or temporary physical barrier which truly prevents access by tenants and other building users. Rope, tape lines, pylons, and similar work area designation devices which can be easily surmounted or bypassed are not acceptable barriers for this purpose.

## Question (23002-32361)

Does a renovator need to attempt personal delivery of the lead information pamphlet to a tenant more than one time before utilizing the "self-certification of pamphlet delivery" option?

## Answer

Personal delivery of the lead information pamphlet is preferable, wherever possible, because EPA believes that tenants will be more likely to read the information if it is handed directly to them. It also affords tenants an opportunity to raise concerns and ask questions about the renovation. EPA recognizes, however, that personal delivery will not always be a viable option, especially when a renovation needs to be commenced on short notice and an adult occupant of the apartment is not available. Thus, the RRP Rule permits the person delivering the pamphlet to “self-certify” the delivery (40 CFR 745.84(a)(2)(i)). Although it is recommended that delivery be attempted on more than one occasion, a single good faith delivery attempt is acceptable for purposes of the RRP Rule.

NOTE: the self-certification provisions apply only to pamphlet deliveries to rental units; renovators cannot self-certify a pamphlet delivery to the owner of the dwelling unit. Pamphlet deliveries to unit owners must be made directly to the owner, an agent of the owner, or via mailing.

## Question (23002-32362)

In a typical co-operative apartment building, occupants do not own the individual units; rather they “own” an undifferentiated share in the entire building and then “rent” back a specific unit from the co-operative corporation. Similarly, in a typical condominium building, owners of individual units jointly own the common areas of the building. For purposes of the pre-renovation education requirements, who are the “owners” in such situations?

## Answer

EPA recognizes that co-operative apartments (“co-ops”) and condominiums (“condos”) can be structured in a variety of ways. For example, in the case of co-ops, a corporation (sometimes referred to as a “co-op association”) is often established and owns all the units and common areas comprising the co-op; in such circumstances, individual unit “shareholders” own shares in the corporation and also own occupancy rights or lease a unit from the corporation. In the case of many condos, individuals hold title to their individual units, and all condo unit owners jointly own the common areas (with a condo association established to represent the interests of all the unit owners).

For purposes of the pre-renovation education requirements, the following general principles will be applied:

(a) If title to a building is held by a corporation which leases back dwelling units to individual corporation shareholders, as in typical co-op apartment buildings, the corporation/association will generally be considered to be the “owner” of the entire building, and individual resident shareholders, or persons who rent from individual shareholders, will generally be considered to be tenants.

(b) In buildings where individuals hold title to specific dwelling units and jointly hold title to common areas of the building, as in typical condo buildings, the individual owners each will be considered to be the owners of his/her individual units, and the association (or its equivalent body composed of, or representing, the group of owners) will be considered the owner of the common areas of the building.

See the table below for more specific guidance on meeting the pre-renovation education requirements as they relate to various renovation scenarios in co-ops and condos.

### COMPLIANCE WITH RRP PRE-RENOVATION EDUCATION REQUIREMENTS FOR COOPERATIVE APARTMENTS AND CONDOMINIUMS

RENOVATION LOCATION	RULE REQUIREMENT	COMPLIANCE FOR CO-OPS	COMPLIANCE FOR CONDOS
Renovations inside Individual Unit	1. Deliver Pamphlet to Owner §745.84(a)(1)	1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager	1. Deliver Pamphlet to Condo Unit Owner (Or Agent of Owner)
	2. Deliver Pamphlet to Adult Occupant (Tenant) §745.84(a)(2)	2. Deliver Pamphlet to Resident Co-op Share holder or Adult Occupant	2. If Condo is Leased, Deliver Pamphlet to Adult Occupant
Renovations in a Common Area	1. Deliver Pamphlet to Owner §745.84(b)(1)	1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager	1. Deliver Pamphlet to Condo Association or Property Manager

	2. Deliver Notice to Each Unit §745.84(b)(2)	2. Deliver Notice to Each Unit	2. Deliver Notice to Each Unit
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Notice of renovation activities in common areas can also be provided by posting signs. Signs must be posted while the renovation is ongoing and they must describe the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

### Question (23002-32363)

I am planning on sending the pamphlet via the United States Postal Service's certificate of mailing delivery method to a tenant who occupies a unit scheduled to be renovated. Does the tenant's name need to be addressed on the mailing, or is it acceptable to address the envelope to Attn: Tenant/Occupant?

### Answer

The tenant's name and address must be indicated on the mailing. The RRP Rule requires a renovator to provide the "Renovate Right" pamphlet to an adult in each unit. Therefore, the name and address of an adult occupant in each unit must be indicated on the mailing. The renovator must also retain a receipt of a certificate of mailing from the Post Office at least seven days before any renovation activities and retain a record of notification for 3 years. See 40 CFR 745.84(a)(2) and 745.84(a)(2)(ii).

### Question (23002-32364)

Under the Pre-Renovation Education Rule, I have the option of using a certificate of mailing to notify the owner or occupant. What is the difference between a certificate of mailing and certified mail?

### Answer

A certificate of mailing is a receipt showing evidence of mailing, while certified mail provides proof of mailing and delivery of mail. When using the certificate of mailing option, no record is kept at the mailing office and a receipt is not obtained when mail is delivered to the addressee. In contrast, the certified mail option provides a receipt to the sender and a record of delivery is maintained by the Postal Service. For additional information on sending the pamphlet via mail see FQ 23002-32363. If an individual chooses to mail the pamphlet, a certificate of mailing is the minimum requirement (see 40 CFR 745.84(a)(1)(ii) and 745.84(a)(2)(ii)). An individual utilizing the mailing option also has the option to use the certified mail process instead of the certificate of mailing.

### Question (23002-32365)

If a renovation is to be performed on a common area in a pre-1978 building that contains a mix of studio apartments (0-bedroom dwellings) and apartments with one or more bedrooms, what pre-renovation education requirements would apply?

### Answer

With respect to apartments with one or more bedrooms, the renovator must provide written notification to an adult occupant of each dwelling no more than 60 days before any renovation activity commences. See 40 CFR 745.84(b)(2). As a reminder, notice of renovation activities in common areas may be provided to affected tenants by posting signs. Signs must be posted while the renovation is ongoing, describe the general nature and locations of the renovation and the anticipated completion date, and be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants.

The studio apartments, however, are exempt from the RRP Rule because they fall under the definition of a 0-bedroom dwelling: a residential dwelling in which the living area is not separated from the sleeping area. Therefore, the renovator is not required provide the studio apartment occupants with notice of the common area renovation.

As a practical matter, occupants of 0-bedroom dwelling are likely to receive notice anyways, given the preference for providing notification for common area renovations by posting signs.

### **Question (23002-19755)**

My firm is replacing windows in a condominium. Is this type of exterior work considered work in a common area, and if so, must other owners and occupants be informed about the job?

### **Answer**

Exterior renovations of multi-unit target housing are considered renovations of a common area. A common area is a portion of a building that is generally accessible to all residents or users of the building. Renovations in common areas of multi-unit target housing, such as condominiums, must be performed in accordance with the requirements of the RRP Rule.

### **Question (23002-33372)**

When a unit is not occupied by its owner, 40 CFR 745.84(a)(2) states that the “Renovate Right” pamphlet must be provided to an adult occupant prior to beginning any covered renovation activities. What does EPA consider an “adult” for these purposes?

### **Answer**

For purposes of receiving the pamphlet pursuant to the pre-renovation education requirements, EPA believes that “adult” means a person who has reached 18 years of age.

## ***Work Practice Standards***

### **Occupant Protection**

#### **Question (23002-23855)**

When renovating the exterior of a high-rise building, does the requirement to close and seal doors and windows within 20 feet of the renovation include closing those openings two-plus floors above the floor where work is to be performed?

### **Answer**

Not necessarily. When establishing containment for an exterior renovation on a multi-story building, you must close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation. In certain situations, the renovation firm must take extra precautions in containing the work are to ensure that dust and debris from the renovation does not contaminate other areas of the property. The conditions at your renovation site may be such that closing and sealing doors and windows on floors above the renovation is necessary to prevent these areas from being contaminated by dust and debris.

### **Containing the Work Area**

#### **Question (23002-32337)**

What is the “work area?”

### **Answer**

The “work area” is the area established by a certified renovator to contain the dust and debris generated from a renovation. In other words, the work area is defined by the containment measures established by the certified renovator. While a renovator has some discretion in setting up a sufficient amount of work area containment, the RRP Rule sets forth minimum requirements for both interior and exterior renovations.



For interior renovations, cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.

For exterior renovations, cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

### **Question (23002-32217)**

In exterior containment if a large tree or shrub is within the work area can the plastic be placed around the base and would the plant, however large, need to be covered also need to be covered?

### **Answer**

The RRP Rule does not specifically address containment of trees or shrubs, but if dust, debris, or residue remains in the tree or shrub at the conclusion of the job, the site will not pass visual inspection. The work practices for exterior projects are based on a performance standard -- the certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. In addition, at the end of the job, a certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed.

### **Question (23002-23220)**

What is your recommendation if work has started and it begins to rain? What do we do with the water that is on the plastic in the containment area?

### **Answer**

Before beginning the renovation, the firm must isolate the work area so that no dust or debris (including in the wastewater) leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris, including water, leaves the work area while the renovation is being performed.

Some recommended options to prevent contaminated water from leaving the work site include:

Stop work and clean up the work site before rain begins. Proceed with interior work only.

Cover the area with a tarp to deflect the rainwater away from the work site.

Collect the water and dispose of it. Check with your local water treatment authority for local requirements for handling and disposing of wastewater.

### **Question (23002-23297)**

What mil plastic is considered impermeable?

## **Answer**

The regulation does not specify a particular thickness of plastic sheeting considered to be impermeable, but rather includes a performance standard. The performance standard requires firms to isolate the work area, prevent dust and debris from exiting, and ensure plastic sheeting is not torn or displaced. Certain guidance materials recommend the use of 6 mil plastic sheeting, such as HUD's Guidelines for the Evaluation and Control of Lead-Based Paint in Hazards in Housing. However, for the purpose of Renovation, Repair, and Painting regulation, a contractor should choose one or more layers of plastic sheeting of a sufficient thickness to prevent puncture based on the circumstances of the particular project.

## **Question (23002-15162)**

Do I need to cover a closet door with plastic?

## **Answer**

Yes, if the door is inside the work area. When containing the work area during an interior renovation, the firm must close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material.

## **Question (23002-21413)**

What are the requirements for covering doorways used to access the work area?

## **Answer**

Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

## **Question (23002-18246)**

If a door is outside the work area but used by workers to enter and exit the room, does the door need to be covered with plastic?

## **Answer**

If the work area is smaller than the entire room, and the door is not within the work area, you do not need to cover the door with plastic. However, all personnel, tools, and other items, including the exterior of containers of waste, must be free of dust and debris when leaving the work area.

## **Question (23002-19009)**

Is interior containment required as well as exterior containment for an exterior window removal?

## **Answer**

Yes, if exterior window removal creates dust and debris on the interior of the building. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. If removing windows from the exterior creates dust and debris on the interior as well as the exterior of the building, then the firm must follow the requirements in the RRP Rule for both interior and exterior containment. Window replacement typically disturbs paint on both the interior and exterior of a building.

## **Question (23002-23847)**

When must scaffolding and vertical shrouding be used on an exterior renovation when other buildings are in close proximity to the work area?

## **Answer**

The certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. The certified renovator must be on site while the containment is established and is responsible for ensuring that dust or debris does not spread beyond the work area. The extent to which scaffolding and vertical shrouding are needed to meet this standard will depend on the conditions at the work site.

When performing exterior renovations, you must cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

## **Question (23002-18508)**

If I paint without disturbing the surface of the existing paint, can I use a tarp instead of six mil plastic?

## **Answer**

Yes. Projects that do not disturb a painted surface are not subject to the RRP Rule.

## **Question (23002-19908)**

Plastic can be a slip hazard in some jobs, such as handling granite counter tops. This creates a more immediate safety concern than protecting the floor from dust. Can't I just clean the floor at the end of the job?

## **Answer**

No. For interior renovations, before beginning the renovation the renovation firm must cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

You must comply with this requirement unless it is impossible to do so, for example, during portions of a renovation project that involve removing flooring, sanding a hardwood floor, or removing or installing carpeting. However, the RRP Rule allows you to place another, less slick, disposable surface (such as paper) on top of the plastic sheeting as long as the plastic sheeting remains intact. Remove and dispose of both surfaces at the completion of the job.

Even when plastic is used to cover the floor, you must also clean the floor at the end of the job. Thoroughly vacuum using a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.

## **Question (23002-16472)**

How can I use plastic sheeting in exterior renovations without creating a safety hazard? Moisture on the plastic from precipitation can cause plastic sheeting to become slippery.

## **Answer**

For exterior renovations, cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. However, the RRP Rule allows you to place another, less slick, disposable surface (such as paper) on top of the plastic sheeting as long as the plastic sheeting remains intact. Remove and dispose of both surfaces at the completion of the job.

### **Question (23002-15754)**

During exterior power washing, instead of plastic, can landscaping fabric or a similar material be used to capture any paint chips or other debris, but permit the water to seep through?

### **Answer**

No. Landscaping fabric is not an impermeable material.

### **Question (23002-18677)**

In Chapter Four of the EPA Certified Renovator Initial course, there is a PowerPoint slide showing plastic sheeting being taped to the floor at several corners, but not around the entire perimeter of the plastic. Must the plastic be "sealed" to the floor on all four edges by tape or just "secured or held" to the floor by tape at several locations?

### **Answer**

It depends on the specifics of the renovation job. The RRP Rule requires the renovation firm to cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls. It is up to the certified renovator to determine how to cover the floor in such a way that dust and debris are captured by the containment and the site can be cleaned at the end of the job.

### **Question (23002-15698)**

Does the RRP rule require people working on a renovation to wear respirators, Tyvek(R) suits or other personal protective equipment (PPE)?

### **Answer**

EPA would like to clarify the requirements for personal protective equipment. The Occupational Safety and Health Administration (OSHA) has requirements for personal protective equipment, EPA does not. For many years, EPA has recommended the use of personal protective equipment as a way to protect workers and to help ensure that leaded dust and debris does not leave renovation or abatement work sites. EPA recommends that renovators make use of the minimum respiratory protection recommended by the National Institute of Occupational Safety and Health (NIOSH) for environments where lead is present, but respiratory protection is not required by the EPA regulations. In addition, disposable clothing, if removed and disposed of before the workers leave the work site, can provide additional protection for workers' families by ensuring that no leaded dust or debris is carried home on worker clothing. However, EPA does not require this and allows renovators to use other methods to ensure that dust and debris does not leave the work area, including the HEPA vacuuming of clothing, tools, and other items before they leave the work area.

### **Question (23002-19757)**

My firm is replacing windows on the second floor of a 90-year-old home. The windows are built into a bay that projects out from a steeply pitched slate roof. When setting up exterior containment for this job, does the RRP Rule require me to install plastic on the roof under the windows?

### **Answer**

No. The RRP Rule does not require you to install plastic sheeting on the roof. You must cover the ground with plastic sheeting or other disposable impermeable material in accordance with the containment requirements at 40 CFR 745.85(a)(2).

### **Question (23002-23858)**

When replacing an unpainted roof, sometimes sections of paint-covered lumber under the roof need to be removed as well. If my firm removed damaged lumber from only certain sections of the roof, does only this area need to be contained while we fix the lumber?

### **Answer**

Yes. The renovation firm is responsible for containing the work area so that no dust or debris resulting from the disturbance of a painted surface leaves the work area while the renovation is being performed. Containment is not required for portions of the renovation outside this area that do not disturb painted components. For exterior renovations, cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

### **Question (23002-20687)**

To avoid harming the homeowner's grass and landscaping, may my firm fold up the plastic sheeting used for containment at night and re-use it the next day?

### **Answer**

Yes, as long as your firm does so in a way that contains any dust and debris on the plastic. One way to accomplish this is to collect and remove the paint chips and debris from the plastic sheeting at the end of each day, mist the sheeting, and fold it dirty side inward.

### **Question (23002-23786)**

When I replace windows, I set up interior vertical containment barriers that extend from floor to ceiling and completely enclose the interior area in which I physically work. If these barriers are set up at a distance less than six feet from the perimeter of the work surface, must I still extend the containment on the floor beyond the vertical barrier to meet the six-foot requirement?

### **Answer**

No, provided that the vertical containment system consists of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls (40 CFR 745.85(a)(2)(i)(D)). This type of vertical containment acts as the functional equivalent of a wall for purposes of defining the work area. If the vertical containment meets these criteria the floor containment measures may stop at the edge of the vertical barrier.

Unlike permanent walls, however, vertical containment barriers are subject to all containment cleaning requirements including misting, inward folding, sealing, and proper disposal following the renovation. A firm must also thoroughly clean an additional two feet beyond the vertically contained work area. Finally, during ingress or egress from the vertical enclosure, a firm must take precaution to ensure that dust and debris on personnel, tools, and other items do not escape the work area.

### **Question (23002-23675)**

What, if any, additional requirements or liabilities exist if a homeowner independently removes the protective barriers and containment measures implemented by the firm during a renovation?

## **Answer**

Before a firm begins a renovation, they are required to comply with all information distribution requirements under the Rule and to post signs that clearly define the work area and warn occupants and other persons not involved in renovation activities to remain outside of the work area. A firm that fails to comply with these requirements is liable under the Rule.

If, however, a firm does comply with these requirements and a homeowner or other person nevertheless removes the barriers, a firm must cease renovations until the necessary containment measures are re-established. A firm should also take additional steps to warn occupants or other persons of the dangers of entering the work area or removing barriers.

## **Question (23002-19758)**

My firm removes and replaces windows from the exterior of a building or residence. To contain dust in the work area, we cover the entire interior surface of the window with impermeable plastic sheeting and affix the sheeting to the surrounding interior wall. This creates a pocket, accessible only from the exterior, from which the window is removed and replaced. All removal and replacement work is performed from the exterior, and we still apply the exterior containment measures as provided in the Rule. Does the interior containment method described meet the requirements under the Rule?

## **Answer**

No. Although EPA encourages your firm to continue to use this method of supplemental containment, the minimum requirements of the RRP rule must still be met. Specifically, the floor surface must be covered with taped down plastic sheeting or other impermeable material six feet the perimeter of the work surface, or a distance sufficient to contain the dust, whichever is greater. Alternatively, your firm can install vertical containment measures as described more fully in FQ 23002-23786.

## **Question (23002-18500)**

If I mist and HEPA vacuum the plastic sheeting used by my firm for interior containment, can I move and re-use plastic sheeting on the same day and job?

## **Answer**

No. The Rule does not contemplate a permissible method of moving and re-using plastic sheeting used for interior containment.

## **Question (23002-32208)**

My firm replaces windows. Various obstacles make it difficult to set up the ten-foot exterior ground containment in a way that would enable our renovators to perform the work and still effectively contain dust. In these cases, we lay the ground containment, but also use vertical containment measures to completely enclose the area in which we work. Is this a permissible method of exterior containment? If the vertical containment is set up at a distance of less than ten feet from the work surface, must we still extend the ground containment beyond the vertical barrier to meet the ten-foot requirement?

## **Answer**

The work practices for exterior projects are based on a performance standard -- the work area must be contained so that dust or debris does not leave the work area while the renovation is being performed. EPA recognizes that proper use of exterior vertical containment measures may be a more effective method for containing the work area than use of the traditional ground containment alone, as outlined in the regulations.

With proper techniques, a firm may meet the performance standard by using vertical containment in conjunction with ground containment. Vertical containment means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area (40 CFR 745.83). Properly constructed vertical containment, for example, might consist of a rigid box-like framework wrapped in impermeable plastic sheeting and anchored to the ground and home. When placed on top of ground containment, such containment should effectively limit the travel of dust and debris to the interior of the enclosure. Whatever construction techniques are used, the containment must completely isolate the work area and prevent any dust and debris from leaving the work area to satisfy the performance standard.

If exterior vertical containment is erected at a distance of less than ten feet from the work surface, the ground containment need not necessarily extend the full ten feet. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

### **Question (23002-20753)**

Under the Renovation, Repair, and Painting (RRP) Rule, in exterior containment if a large tree or shrub is within the work area can the plastic be placed around the base and would the plant, however large, also need to be covered?

### **Answer**

The RRP Rule does not specifically address containment of trees or shrubs, but if dust, debris, or residue remains in the tree or shrub at the conclusion of the job, the site will not pass visual inspection. The work practices for exterior projects are based on a performance standard -- the certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. In addition, at the end of the job, a certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed.

### **Question (23002-20640)**

The RRP Rule provisions require exterior containment. At what point is the wind too strong to allow work to continue?

### **Answer**

The work practices for exterior projects are based on a performance standard -- the certified renovator or a worker under the direction of the certified renovator must contain the work area so that dust or debris does not leave the work area while the renovation is being performed. The certified renovator is responsible for determining when the wind is so strong that no form of containment is adequate to keep dust or debris from leaving the work site, and therefore work must stop until conditions improve such that containment can be maintained.

## **Prohibited and Restricted Practices**

### **Question (23002-17026)**

How do RRP requirements apply to pressure washing? What containment and other preparation are required?

### **Answer**

Pressure washing is not a prohibited practice under the RRP Rule. Pressure washing is subject to the same containment requirements as other permissible work practices. Before beginning the renovation, the firm must isolate the work area so that no dust or debris (including in the wastewater) leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

In addition, it is important to properly dispose of wastewater used during pressure washing. Check with your local water treatment authority for more information.

### **Question (23002-19748)**

My firm drills a series of 1/2-inch diameter holes in sheet rock to dry it out where rooms have been flooded. Is drilling these holes a prohibited practice?

## **Answer**

No. The requirement for HEPA exhaust control does not apply to the use of all power tools. Specifically, HEPA exhaust control is not required when using a power drill to drill holes in sheetrock. When using a power drill with a drill bit to cut through sheetrock, the speed associated with the contact between the bit and the paint is not of the same magnitude as the contact speed generated by the machines identified in the regulation. The RRP Rule prohibits the use of machines designed to remove paint or other surface coatings through high-speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation. These machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system.

## **Waste from Renovations**

### **Question (23002-24833)**

Why are gloves, which are exposed to large amounts of lead dust, not required to be disposed of under the RRP Rule?

## **Answer**

The RRP Rule requires the renovation firm to use precautions to ensure that all personnel, tools, and other items are free of dust and debris before leaving the work area. Workers with contaminated clothing can take that contamination home to their own children, and taking contaminated equipment to another jobsite could potentially create a lead hazard at a new site. There are several ways of ensuring that gloves and other clothing are free of dust and debris before leaving the work area. For example, tacky mats may be put down immediately adjacent to the plastic sheeting covering the work area floor to remove dust and debris from the bottom of the workers' shoes as they leave the work area. If workers wear shoe covers, they may remove them as they leave the work area. Clothing and materials may be wet-wiped and/or HEPA-vacuumed before they are removed from the work area. While the rule does not specifically address gloves, if they are contaminated with lead dust or debris that cannot be removed, EPA recommends that they not be removed from the work site during the job and that they be disposed of as part of final cleanup.

### **Question (23002-20763)**

Under the RRP Rule, what type of container is adequate for on-site storage of debris? Must the container be covered and locked? Must it be placed behind a locked barrier?

## **Answer**

At the conclusion of each workday and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. Using a covered container is one way to prevent release of dust and debris. Locking the container and placing it behind a locked barrier are good examples of ways to prevent access to the dust and debris.

### **Question (23002-14730)**

Can non-certified workers transport debris off site under the RRP Rule if they have had documented on-the-job training in this activity by the certified renovator?

## **Answer**

Yes. The RRP Rule requires the certified renovator to regularly direct the work being performed by other individuals to ensure that the work practices are being followed, including ensuring that dust or debris does not spread beyond the work site. The certified renovator is responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks, including transporting waste off site.



## Question (23002-33373)

How should lead-containing wastes from RRP renovations be handled and disposed?

### Answer

While at the work site, wastes must be collected at the conclusion of each workday and at the conclusion of the renovation and stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

Similarly, while transporting the waste out of the work site for disposal or storage, waste must be contained to prevent releases of dust and debris.

Finally, contractors may dispose of lead-containing wastes from residential renovations in a municipal solid waste landfill (MSWLF) or a municipal solid waste combustor. Dumping and open burning of residential lead-based paint waste is not allowed.

Note: As a general matter, all debris, paint chips, dust, and sludges that exceed the toxicity characteristic regulatory limit of five mg/L lead in the waste leachate are considered "hazardous" and subject to more stringent RCRA hazardous waste management and disposal requirements. However, pursuant to 40 CFR 261.4(b)(1), household wastes (i.e., those derived from households) are excluded from the universe of RCRA hazardous wastes. In 2000, EPA issued a memorandum clarifying that the household hazardous waste exclusion applies to waste generated by either contractors or residents performing lead-based paint activities (abatement) or renovations in residences. Wastes from non-residential renovations may still be subject to RCRA hazardous waste requirements.

## Question (23002-20756)

Under the Renovation, Repair, and Painting (RRP) Rule, how should I dispose of contaminated water used in two-bucket mopping?

### Answer

EPA recommends contacting your local water treatment authority and asking about local requirements for handling and disposing of waste water.

## Cleaning the Work Area

### Question (23002-20634)

The RRP rule requires HEPA vacuums to be used for cleaning up the dust created by renovations. What should I look for when purchasing a HEPA vacuum?

### Answer

According to the definition in 40 CFR 745.83:

*HEPA vacuum* means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions.

Therefore, renovation firms should look for a vacuum cleaner that was designed to be operated with a HEPA filter, rather than a shop vacuum that can be fitted with a HEPA filter in place of the original basic filter. A vacuum retrofitted with a HEPA filter is not necessarily properly sealed or designed so that all of the intake air goes through the HEPA filter. EPA also recommends that renovation firms ask the manufacturer or retailer whether the machine has been tested to ensure that it achieves the high efficiency required of a HEPA filter (capturing 99.97% of 0.3 micron particles).

### **Question (23002-20761)**

Under the RRP Rule, do paint chips and debris need to be removed from protective sheeting prior to misting, removing, folding and sealing the sheeting even if such chips and debris can be effectively contained by the sheeting or the sealed container the sheeting is contained in for disposal?

### **Answer**

Yes. After the renovation has been completed, the firm must clean the work area until no dust, debris, or residue remains. The first cleaning step required by the RRP rule is to collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag. The purpose of this step is to prevent accidental spreading of lead-contaminated paint chips and dust off of the protective sheeting. Only when this step is completed may you remove the protective sheeting, following the directions specified in the rule.

### **Question (23002-18385)**

If a renovator uses the required practices to remove containment and clean a work area, then performs successful cleaning verification, can the balance of the project then be done using uncertified workers and without reference to the work practices required by the RRP Rule?

### **Answer**

Yes, as long as the balance of the project can be completed without disturbing a painted surface.

### **Question (23002-23884)**

When waste from renovations has been removed from the work area and placed in on-site storage, may the waste be stored in a covered waste container or must it all be bagged for disposal?

### **Answer**

Properly implemented, either option can meet the requirements of the RRP Rule. At the conclusion of each workday and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. Storing the waste in a covered waste container is one way to meet this requirement if the waste container prevents release of dust and debris. Containing the waste in closed trash bags can also prevent release of dust and debris. Locking the dumpster and placing it behind a locked barrier are good examples of ways to prevent access to the dust and debris.

### **Question (23002-13864)**

Are components removed from the home to be cleaned up and reused subject to the waste handling requirements in the rule?

### **Answer**

While components to be reused rather than disposed of are not considered waste for the purposes of the RRP Rule, it is likely that, even if they do not contain lead-based paint, they are contaminated with dust or debris from the project. The renovation firm must use precautions to ensure that these components are free from dust and debris before they are removed from the work area. EPA also recommends that these materials be stored on-site or transported off-site in a way that prevents access to dust and debris or release of dust and debris.

### **Question (23002-24718)**

Who is responsible for controlling dust and debris from renovation waste once the waste container or truck used to transport the waste leaves the renovation site?

## Answer

When a renovation firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris. The RRP Rule does not address the responsibilities of other entities. EPA recommends consulting with state and local waste disposal authorities to learn about any additional requirements.

## Question (23002-15872)

For purposes of cleaning the work area following a renovation, is the interior floor of a garage considered interior or exterior space?

## Answer

In general, the interior floor of a garage is considered an interior space for purposes of post-renovation cleanup. EPA recognizes the fact that it may occasionally be impossible for firms to meet all of the cleaning and verification requirements under the Rule for garage floors such as those that are composed of dirt or gravel. In such a case, EPA recommends that a firm document and keep records of the specific circumstances surrounding the impossibility. A firm must also make their best effort to collect and remove all paint chips, dust, debris and residue. Furthermore, a firm must still comply with all feasible work practice standards and take precautions to ensure that the work area is properly contained.

## Question (23002-31780)

My firm has signed a contract to replace the windows on a pre-1978 home. We have tested for the presence of lead-based paint and found the results to be positive. However, the homeowner has already scraped and repainted their house but did not follow lead safe work practices. The result of their activity is paint chips scattered throughout the landscaping. How best should I proceed?

## Answer

A firm working on a property that is already contaminated with paint chips, dust, debris and residue must proceed by containing the work area for the renovation, and complying with all cleaning requirements under the Rule for that work area. Paint chips, dust, debris and residue that fall within the work area must be eliminated. If paint chips, dust and debris exist beyond the work area, but were not a product of the firm's window replacement activities, EPA recommends that the firm document and keep record of the conditions.

## Cleaning Verification

### Question (23002-20755)

Under the Lead Renovation, Repair and Painting (RRP) Rule, is composite sampling acceptable for clearance in lieu of cleaning verification?

## Answer

Yes. Under the RRP Rule, cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another Federal, State, Territorial, Tribal, or local law or regulation requires:

- The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.
- The dust clearance samples are required to be collected by a certified inspector, risk assessor, or dust sampling technician.
- The renovation firm is required to re-clean the work area until the dust clearance sample results are below the action levels in 40 CFR 745.227(e)(8) or any applicable State, Territorial, Tribal, or local standard.

Clearance must be performed following the procedures in 40 CFR 745.227(e)(8), which allow the use of composite sampling. Not all laboratories will analyze composite samples, so check with your laboratory before collecting them.

## **Recordkeeping and Reporting Requirements**

### **Question (23002-18219)**

If a certified renovator is an employee of the certified firm, can the firm maintain all required records (those required of the firm and of the certified renovator); understanding that the certified renovator must also keep a copy of his certification as well as employee training records/documentation on the jobsite?

### **Answer**

The renovation firm is the entity responsible for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of three years following completion of the renovation. The certified renovator is responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards.

Certified renovators must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate. Certified renovators are also responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks. The renovation firm must keep records showing what training was provided to workers, but these records need not be available at the work site.

### **Question (23002-32219)**

What records must a subcontractor keep?

### **Answer**

If the certified renovator assigned to the project is assigned by the subcontractor, the certified renovator is responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards, including training provided to non-certified workers. All renovation firms involved in a project share the responsibility for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of three years following completion of the renovation. That does not mean that all of the firms involved in a project must retain a copy of the records. The records may be held by only one of the firms. However, firms that choose not to hold copies of the records, but rather to rely on other contractors involved in the renovation (e.g., subcontractors) to do that, must be able to access the records and make them available in a timely manner when requested by the EPA.

### **Question (23002-18103)**

I hear new recordkeeping requirements will take effect soon. What are they and when must my firm begin to comply with them?

### **Answer**

Beginning July 6, 2010, when the final invoice for the renovation is delivered, or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information demonstrating compliance with the training and work practice requirements of the RRP Rule to the owner of the building being renovated and, if different, to the occupants of the renovated housing or the operator of the child-occupied facility. For renovations in common areas of target housing, the renovation firm must provide the occupants of the affected housing units with instructions on how to review or obtain this information from the renovation firm at no charge to the occupant. These instructions must be included in the pre-renovation education notice provided to each affected unit or on the signs posted in the common areas. Similar requirements apply for renovations in child-occupied facilities. The renovation firm is required to provide interested parents or guardians of children using the child-occupied facility instructions on how to review or obtain a copy of these records at no cost to the parents or guardians. This could be accomplished by mailing or hand delivering these instructions, or by including them on the signs posted as part of pre-renovation education.

### **Question (23002-18287)**

If a general contractor and one or more subcontractors are involved in a single renovation project, which persons or entities are responsible for preparing, retaining and making available the necessary records?

## **Answer**

The certified renovator, whether assigned by a general contractor or subcontractor, is responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards, including training provided to non-certified workers.

All renovation firms involved in a project share the responsibility for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of three years following completion of the renovation. That does not mean that all of the firms involved in a project must retain a copy of the records. The records may be held by only one of the firms. However, firms that choose not to hold copies of the records, but rather to rely on other contractors involved in the renovation (e.g., subcontractors) to do that, must be able to access the records and make them available in a timely manner when requested by the EPA.

## **Question (23002-20760)**

Under the RRP Rule, can the required records and documentation be stored electronically rather than as paper copies?

## **Answer**

Yes. The renovation firm is responsible for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of three years following completion of the renovation. The RRP Rule does not specify the format in which records must be kept.

## **Question (23002-20759)**

Under the RRP Rule, can the certified renovator comply with the rules by keeping records regarding his certification and employee training electronically, provided he can display them on a hand held device or laptop on the job site?

## **Answer**

Yes. The RRP Rule does not specify the format in which these documents must be kept, but they must be available at the work site. Documents are not available if they cannot be viewed. Certified renovators must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

Certified renovators are also responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks. The renovation firm must keep records showing what training was provided to workers, but these records need not be available at the work site.

## ***Firm Certification***

## **Question (23002-19747)**

My firm acts as a general contractor – we subcontract the entire renovation job to other companies rather than using our own employees. Does my firm need to be a certified firm under the RRP Rule?

## **Answer**

Yes. Beginning April 22, 2010, no firm may perform, offer, or claim to perform renovations covered by the RRP Rule without certification from EPA. A general contractor that subcontracts the entire renovation job to other firms must be certified as a firm for two reasons. First, the contractual agreement between the general contractor and the subcontractor is based on the general contractor's offer to renovate the property of a third party for compensation. The RRP Rule requires a contractor that makes such an offer to be certified as a firm. Second, once the offer is accepted, the general contractor is obligated to perform a renovation in accordance with the terms of the contract, whether written or oral. Even if the general contractor chooses to fulfill its obligation to perform the renovation by hiring subcontractors, the general contractor is performing a renovation for purposes of the RRP rule and must comply with all the requirements of the rule that apply to firms performing renovations.

### **Question (23002-14295)**

My firm acts as a general contractor – we subcontract the entire renovation job to other companies rather than using our own employees. Does my firm need to have a certified renovator at the job site?

### **Answer**

Not necessarily. All firms performing renovations, including general contractors, must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator.

A firm acting as a general contractor may satisfy this requirement by hiring another certified firm that also takes responsibility for ensuring that all individuals performing the renovation activities are either certified renovators or have been trained by a certified renovator.

With respect to assigning a certified renovator who is responsible for any OJT and regularly directing other workers, a firm acting as a general contractor may satisfy this requirement by hiring another certified firm that in turn assigns a certified renovator to the job. However, this does not discharge the general contractor's liability to ensure compliance with the RRP Rule.

### **Question (23002-18512)**

If I rent out apartments built before 1978, do I need to get firm and renovator certification if I do my own work on it? What if I hire a renovation firm to do the work?

### **Answer**

With respect to landlords, EPA believes that there are two circumstances where work being done in pre-1978 apartment is for compensation such that the landlord must be a certified firm and use (or be) a certified renovator. First, if the landlord does the renovation him or herself, then the landlord must have firm and renovator certification. Second if an employee of the landlord does the renovation work, then the landlord must have firm certification and the employee must be a certified renovator. However, if the landlord hires a renovation firm to perform the renovation, the landlord does not need firm or renovator certification, but the firm hired by the landlord must be certified and must perform the renovation using a certified renovator that directs and provides on-the-job training to any workers that are not certified renovators.

### **Question (23002-15340)**

DOE provides weatherization grants to states, which in turn provide grants to non-profit sub-grantees. These sub-grantees fall into one of three categories:

1. The sub-grantee uses its own employees to perform all the weatherization services in the home,
2. The sub-grantee uses a combination of its own employees and contractors to perform weatherization services, or
3. The sub-grantee has no employees that perform weatherization services; instead, every service is performed by a hired contractor.

Must these sub-grantees be RRP-certified firms?

### **Answer**

Beginning April 22, 2010, no firm may perform, offer, or claim to perform renovations covered by the RRP Rule without certification from EPA. Sub-grantees that use their own employees to perform any or all of the weatherization services in the home, such as the sub-grantees in the first two categories, must be RRP certified firms.

As to the sub-grantee in the third category, the need for certification depends on whether the sub-grantee offers, through the grant proposal, to renovate the property of a specific homeowner or other third-party. In this case, the sub-grantee is an offeror and grant money is "compensation" for RRP purposes. Once the offer is accepted (i.e., the grant is issued) a contract is formed under which the sub-grantee is obligated to perform the renovation. Even if the sub-grantee chooses to fulfill its obligation to perform the renovation by contracting out the work, the sub-grantee is "offering to perform a renovation" for purposes of the RRP rule. Accordingly, the sub-grantee must be a certified firm and comply with all other applicable RRP requirements.

Conversely, if the sub-grantee does not “perform, offer, or claim to perform” a renovation - through a grant proposal or otherwise - the sub-grantee need not be certified. For example, a grant proposal would not constitute an “offer” if the issuance of the grant would not obligate the sub-grantee to renovate the property of a specific third-party. If the grant proposal is not a legally binding offer, the sub-grantee becomes a mere purchaser of renovation services when it uses the grant money to hire a renovation firm. In such a case, only the renovation firm – the offeror - must be certified

### **Question (23002-21691)**

What do you need to do to become a certified firm?

### **Answer**

Firm certification is easy and straightforward – you only submit an application and fee to EPA online through EPA’s CDX system, the EPA’s electronic reporting system: <https://cdx.epa.gov>. Certified firms will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA’s new “Lead-Safe Certified Firm” logo.

Remember, to fully comply with this regulation, some of your key employees may need to obtain individual certification (by taking a one-day certification course) in addition to your firm certification. Visit <https://www.epa.gov/lead/getcertified> to learn how to become a certified renovator.

### **Question (23002-18528)**

If my firm already has abatement certification, is separate RRP certification necessary?

### **Answer**

RRP firm certification is not required to perform lead abatements. However, if your firm performs, offers, or claims to perform renovations, as well as abatements, after April 22, 2010, it must be a certified renovation firm.

### **Question (23002-18123)**

I own a sole proprietorship, and I plan to get trained and certified as a certified renovator. Will that be sufficient since I have no employees?

### **Answer**

No. Beginning April 22, 2010, all firms performing renovations covered by the RRP rule must be certified. “Firm” means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal or local government agency; or a nonprofit organization.

### **Question (23002-20758)**

Can a certified renovator supervise workers of a different company, or must each firm involved in a project furnish a certified renovator?

### **Answer**

All firms performing renovations must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator. The RRP Rule does not prohibit firms from reaching agreement on which will supply the certified renovator who is responsible for ensuring compliance with the RRP Rule and who directs and trains non-certified workers. All firms remain liable for ensuring compliance with the RRP Rule.

### **Question (23002-14050)**

Are state and local government employees who often do renovation work required to be certified?

## **Answer**

If the state or local government uses its own employees to do the work, the state or local government must be a certified firm and at least one of the employees assigned to each job must be a certified renovator. If the state or local government hires a renovation firm to perform the renovation, the state or local government does not need firm or renovator certification, but the firm the state or local government hires must be certified and must perform the renovation using a certified renovator that directs and provides on-the-job training to any workers that are not certified renovators.

## **Question (23002-18288)**

If a general contractor hires a subcontractor to work at a renovation site, does the subcontractor need to be a certified firm if the subcontractor does not disturb any paint?

## **Answer**

Firms performing tasks that disturb no painted surfaces whatsoever do not need to be certified. However, since conditions at the job site may be difficult to predict, EPA strongly recommends that all firms involved in the renovation be certified and use properly trained and certified personnel. For example, a firm hired to install an HVAC system after demolition of painted surfaces has taken place may find that to complete the job painted surfaces need to be disturbed. The HVAC firm may not engage in activities that disturb painted surfaces if it is not certified.

As every renovation job is different, it is up to the firm acting as the general contractor to determine what activities are within the scope of the renovation and to ensure that other firms are properly trained and certified for the tasks they will be performing. All firms, including the firm acting as the general contractor, are responsible for making sure the renovation is performed in accordance with the work practice standards, including keeping containment intact and making sure lead dust and debris do not leave the worksite. General contractors should keep in mind that if a firm hires a subcontractor that fails to follow the work practice standards or otherwise violates the RRP rule, the firm that hired the subcontractor is also responsible for the violation.

## **Question (23002-21581)**

What changes in a renovation firm's status require an amendment of certification and how much will it cost?

## **Answer**

In accordance with 40 CFR 745.89(c), any change to the information reported to EPA in a firm's most recent certification application must be reported in an amended certification application. There is no fee associated with the submission of an amended certification.

## **Question (23002-18350)**

If a property owner and a property management company have entered into a consent agreement related to Section 1018 (lead hazard disclosure) that does not admit an actual violation, is the property management company required to acknowledge a lead-based paint violation when completing the application for firm certification?

## **Answer**

No.

## **Question (23002-18573)**

If the demolition, cleanup, and cleaning verification portion of a renovation project is performed under the direction of a certified renovator using trained workers, can uncertified workers complete the job if further disturbances of painted surfaces will not occur? For example, a certified firm establishes containment and removes wall and ceiling board to the rough framing members. Cleaning and verification take place and containment is removed and properly disposed of. At that point, can non-certified firms perform electrical, plumbing, HVAC, or drywall work?



## **Answer**

Yes. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by the RRP Rule if they are conducted after post-renovation cleaning verification has been performed.

## **Question (23002-15697)**

Does the RRP Rule require a certified state lead inspector or risk assessor, who does not do renovation work, to become a certified renovation firm in order to take dust wipe samples?

## **Answer**

No. A certified inspector or risk assessor may make determinations regarding the presence of lead-based paint at a renovation site without becoming certified as a renovation firm.

## **Question (23002-19197)**

Is the fee for firm certification waived for self- employed individuals or landlords?

## **Answer**

No. Congress requires EPA to impose a fee on certified contractors that is sufficient to recover the costs of administering and enforcing the RRP Rule. All applicants for firm certification must submit the required fee as part of their application. A firm's certification is effective for five years.

## **Question (23002-14558)**

Can contractors submit their application to EPA before they complete the required training, or must the application be submitted after the training is complete? Is there a proof of training required by the EPA in order for the contractor's application to be approved?

## **Answer**

The firm certification process does not include the submission of renovator training credentials, so a firm can apply for certification before completing required training. As part of the application, the firm is required to certify it will comply with the requirements of the RRP Rule, including ensuring that all individuals performing renovations activities on behalf of the firm are either certified renovators or have been trained by a certified renovator.

## **Question (23002-19659)**

Must maintenance workers at kindergartens and elementary schools become certified renovators if they perform renovations covered by the RRP Rule in the portions of the school that are child-occupied facilities? Are the schools or school systems then required to become certified renovation firms?

## **Answer**

On or after April 22, 2010, all renovations covered by the RRP Rule must be directed by certified renovators and must be performed by certified renovators or individuals trained by a certified renovator. The RRP rule requires any firm, including a local government agency that performs, offers, or claims to perform renovations to be certified by EPA.

## **Question (23002-18285)**

If a firm does business in several states, must they become certified in all states in which they manage a target property or is this requirement satisfied by certifying the firm in the state in which they are headquartered?

## **Answer**

The RRP Rule applies in states and tribal areas that are not operating EPA-authorized programs. A firm with Federal certification under the RRP Rule may perform, offer, or claim to perform renovations in any of these states. In states and tribal areas with EPA-authorized programs, check with the state or tribal agency administering the program to learn about the certification requirements in that state or tribal area. EPA encourages authorized state and tribal programs to accept certifications issued under the Federal program and under other state and tribal programs, but this is not required.

## **Question (23002-19776)**

My non-profit organization receives grants to arrange for renovations in older housing, such as weatherization projects or general modernization. Typically, these grants come with eligibility conditions for properties and/or property owners and tenants, but specific properties or projects are not identified. My organization is responsible for locating eligible properties and recipients and hiring firms to perform the eligible renovations. Must my non-profit organization become an RRP-certified firm?

## **Answer**

No, as long as your organization does not perform covered renovations using its own employees or offers to renovate the properties of specifically identified third parties in exchange for a grant, your organization does not need to become an RRP-certified firm. You should make sure that any firms you hire are certified renovation firms.

## **Question (23002-19775)**

My non-profit organization applies for and receives grants to renovate older homes. We do not perform the renovations ourselves, we hire renovation contractors to perform them on our behalf. We identify the properties to be renovated and the specific projects in the grant application. If we are successful in obtaining the grant, the funding would obligate us to arrange for the renovation of the specific properties named in the grant application. Must my non-profit organization become an RRP-certified firm?

## **Answer**

Yes, even though your organization's employees do not actually perform the renovation activities, your organization must be an RRP-certified renovation firm because your organization, through the grant process, is offering to perform renovations for compensation, *i.e.*, the grant.

## **Question (23002-17979)**

I am a facilities manager for a church with daycare and preschool programs. I recently became a certified renovator. If my staff and I do our own painting and remodeling work, do we need to be a certified firm?

## **Answer**

Yes, if you perform, offer, or claim to perform renovations in a portion of the building that is a child-occupied facility. The RRP Rule defines a child-occupied facility as 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 three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age six.

Areas of a building that fall outside this definition are not "child-occupied facilities" for purposes of the RRP rule.

## **Question (23002-18225)**

If a company has several legal entities, does each entity have to become a certified firm?

## **Answer**

Yes, if the corporate structure is such that the parent company is not liable for actions of the separate legal entities.

## **Question (23002-19722)**

My company has two stores in different states. Must each store be a separate certified firm?

## **Answer**

It depends on the company's structure. If each store is a separate legal entity, then each store must be a certified firm. If the parent company retains liability for the actions of each store, the parent company's firm certification covers both stores.

## **Question (23002-18047)**

I am the owner of my renovation firm, but I am not a certified renovator. May I be the "attesting individual" named on the RRP firm certification application?

## **Answer**

Yes. The attesting individual need not be a certified renovator.

## **Question (23002-31784)**

My firm performs renovations covered by the RRP rule, but solely in the capacity of a subcontractor. If the general contractor is a certified firm, does my firm also have to be certified, or can we just provide the certified renovator?

## **Answer**

All firms performing, offering, or claiming to perform renovations covered by the RRP rule must be certified. In this case, both the general contractor and subcontractor must become certified firms.

## **Question (23002-33318)**

What is the difference between Abatement Certification and Renovation (RRP) Certification?

## **Answer**

Abatement certification, also known as Lead-Based Paint Activities certification, is a specialized type of certification for firms who specifically work with lead-based paint such as lead abatement firms, lead risk assessor firms, and lead inspection firms. Abatement intentionally addresses lead-based paint hazards.

Renovation (RRP) certification is appropriate for firms who disturb paint in pre-1978 residences and child-occupied facilities simply as a consequence of doing other work. It covers a broad range of firms including renovators, carpenters, painters, electricians, plumbers, handymen, and more. These firms do NOT need abatement certification.

## ***Lead-Safe Certified Firm Logo***

## **Question (23002-16813)**

How do I get my Lead-Safe Certified Firm Logo?

## **Answer**

Your customized firm logo will be emailed to you in your certification approval package. Approval packages are emailed from [lead.paint@epa.gov](mailto:lead.paint@epa.gov). To help ensure receipt of email correspondence, we recommend you add the [lead.paint@epa.gov](mailto:lead.paint@epa.gov) email address to your contacts to ensure it arrives in your inbox rather than a SPAM folder.

After your application is approved, you can also access EPA's E-Enterprise portal and download a copy of your logo. Just go to [EPA's E-Enterprise portal](#) and login with your CDX username and password, then go to the "progress tracker" section. There you will be able to download your customized program logo.

### **Question (23002-16027)**

How and where can I use the Lead-Safe Certified Firm Logo?

#### **Answer**

The Lead-Safe Certified Firm Logo must be reproduced so that all of its components are legible, including your firm's certification number. The Logo must not be altered or distorted in any way.

#### **You MAY --**

- Use the Logo to identify your firm as an RRP-certified firm. Firms that are not RRP-certified may not use the Logo.
- Use the Logo in brochures, advertisements, Web sites, proposals, bills, signs, uniforms, vehicles and other materials promoting or identifying your firm.
- Use the Logo on documents or other materials in black and white or color (two-color or four-color versions are available).

#### **You MAY NOT --**

- Use the Logo in any manner that would imply EPA endorsement of a company, its products or services.
- Reduce the Logo to a size smaller than one-inch-wide by 0.687 inches in height.
- Allow a firm that is not RRP-certified (including your subcontractors) to use the Logo.

EPA will monitor the use of all Logos. If necessary, EPA will address failure to comply with these Logo Guidelines. To report a non-compliant use of the Logo, please contact EPA at 1-800-424-LEAD.

### **Question (23002-14639)**

Can I get the Lead-Safe Certified Firm Logo file in different resolution or in black and white?

#### **Answer**

Yes, please submit your request using our Contact Us page at <https://www.epa.gov/lead/forms/contact-us-about-lead>.

### **Question (23002-18056)**

I can't open the Lead-Safe Certified Firm Logo file I have been sent. What format is it in?

#### **Answer**

The Logo is in a standard .jpg file. It is approximately 900KB to ensure clarity. If this size is too large, or a different format is needed, please submit your request using our Contact Us page at <https://www.epa.gov/lead/forms/contact-us-about-lead>.

### **Question (23002-14652)**

Can I receive an .eps, .ai, .ait or modifiable format of the Lead-Safe Certified Firm Logo?

#### **Answer**

No, EPA will only send formats that cannot be manipulated (i.e., .bmp, .pdf, .tif etc.)

### **Question (23002-14618)**

Can I change the colors of the Lead-Safe Certified Firm Logo to match my company's current materials?

## **Answer**

No, the Lead-Safe Certified Firm Logo may only be presented in Pantone 362C (green) and Pantone 660C (blue), or in black and white.

## **Question (23002-33374)**

Are trainers authorized to use the EPA Lead-Safe Certified Logo?

## **Answer**

Accredited training providers may use the logo on their site and marketing materials as long as it is used as a tool to guide renovators through the firm certification process (i.e., explain the difference between firm certification and individual training). Training providers may inform students that only certified firms will be provided a customized logo exclusively for their use to advertise their businesses once their firm has been certified. Training providers may distribute the logo only to principal instructors affiliated with the accredited provider, and only for the purpose of training as described above. Training providers may NOT distribute the logo to unaffiliated entities. Upon request, EPA will provide to the accredited training provider the logo for their use. Requests can be made to the National Lead Information Center at 1-800-424-LEAD.

## **Question (23002-33375)**

May principal instructors, working under the umbrella of an accredited training provider, independently advertise, provide training, or use the EPA Lead-Safe Certified logo?

## **Answer**

No. Principal instructors that advertise, provide training, and use the logo must do so under the name of the accredited training provider for whom they work. They may also state that the organization which employs them is assisting with the training.

## ***Renovator Certification and Training***

### **Question (23002-23546)**

What training requirements apply to non-certified workers who have previous EPA/HUD lead-safe work practices training or accredited abatement supervisor or worker training?

## **Answer**

The RRP Rule requires certified renovators to provide on-the-job training (OJT) to non-certified workers on the work practices they will be using in performing their assigned tasks. The amount of OJT needed and the topics that need to be covered depend on the knowledge and experience of each worker. OJT for a worker who has successfully completed prior EPA/HUD lead-safe work practices training, accredited abatement supervisor or worker training, or HUD's Lead Maintenance course training, might not have to cover basic lead-safe work practices information. It likely would need to address project-specific information (such as the worker's tasks on the job, the operation of new equipment the worker is to use, work area exit locations, and waste disposal locations), as well as any new lead-safe work practices information that was not covered in the worker's course training and that is pertinent to the worker's tasks.

The certified renovator is responsible for ensuring compliance with the work practice standards at all renovations to which he or she is assigned. The certified renovator is also responsible for preparing the records demonstrating that the renovation was conducted in compliance with the work practice standards, including the requirement to provide OJT to non-certified workers. The renovation firm must keep records showing what training was provided to workers. It would be advisable for the records to reflect any prior training non-certified workers had taken.

### **Question (23002-19615)**

Must a certified lead abatement professional also become trained and certified to do renovation or repair work?

### **Answer**

Yes. Because some skills are different (such as cleaning verification), RRP training and certification is required even if someone already has abatement certification.

### **Question (23002-16220)**

How can I find an accredited renovation trainer?

### **Answer**

The list of accredited training providers is available on EPA's RRP Web site at [http://cfpub.epa.gov/flpp/searchrrp\\_training.htm](http://cfpub.epa.gov/flpp/searchrrp_training.htm), or from the National Lead Information Center, 1-800-424-LEAD.

### **Question (23002-20530)**

The certified renovator is required to have proof of their certification at the work site. If the certified renovator provides on-the-job training to workers, does there need to be documentation of that training at the work site too?

### **Answer**

No. Certified renovators must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate. Certified renovators are also responsible for providing training to non-certified workers on the work practices they will be using in performing their assigned tasks. The renovation firm must keep records showing what training was provided to workers, but these records need not be available at the work site.

### **Question (23002-19182)**

Is the certified renovator assigned to a specific project responsible for the work practices of other contractors on the project if the certified renovator is an employee of the general contractor of the project?

### **Answer**

All firms performing renovations must ensure that all individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator. A firm acting as a general contractor may satisfy this requirement by hiring another certified firm that takes responsibility for ensuring that all individuals performing the renovation activities are either certified renovators or have been trained by a certified renovator. With respect to assigning a certified renovator who is responsible for any OJT and regularly directing workers who are not certified renovators, a firm acting as a general contractor may satisfy this requirement by hiring another certified firm that in turn assigns a certified renovator to the job. However, this does not discharge the general contractor's liability to ensure compliance with the RRP Rule.

### **Question (23002-20939)**

What about a situation where the homeowner is acting as their own general contractor and hires multiple companies to do different portions of the work? In this situation, would each business participating be required to follow the rules and assign a separate certified renovator to supervise their portion of the work including separate containment?

### **Answer**

While the homeowner may be performing the role of general contractor by hiring firms and organizing their work, the homeowner is not performing, offering, or claiming to perform a renovation and therefore does not need to be a certified firm. The firms hired by the homeowner to perform renovation tasks are responsible for complying with all aspects of the RRP Rule that are applicable to their work, including firm certification. The RRP Rule does not prohibit firms from reaching

agreement on which will supply the certified renovator who is responsible for ensuring compliance with the RRP Rule and who directs and trains non-certified workers. However, all firms share liability for ensuring compliance with the RRP Rule.

### **Question (23002-14757)**

Can renovator training courses, both initial and refresher courses, be taught online or via distance learning?

### **Answer**

The final Renovation, Repair and Painting regulation, like the abatement program, permits the use of alternative training techniques (e.g., video training, computer-based training) as a supplement to the hands-on skills assessment, or as a substitute for the lecture portion of the training course requirements outlined in 40 CFR 745.225.

In addition, 745.225 of the final rule requires all training programs, including those using alternative training methods, to meet the minimum hourly requirements for hands-on activities in their training courses. Under 745.225, all training programs are also required to administer a course test and conduct a hands-on skills assessment.

To ensure the quality of such alternative programs, the final rule requires training providers who opt to use alternative techniques to submit all materials as specified in 745.225 as a part of their application for accreditation. These materials include copies of the course agenda, and student and instructor manuals.

The accreditation of alternative training programs will be based on EPA's review of the training materials submitted under 745.225, including the course agenda and manuals. In its review, the Agency will consider on a case-by-case basis the provisions made by a training program to ensure the quality of its course materials. Based on that review, the Agency may accredit programs offering alternative training and instructional methods.

### **Question (23002-18377)**

If a remodeling company that is a certified firm uses all contractual workers rather than employees, must each contractual worker be a certified renovator, or can the workers be trained on the job by a certified renovator employed by the firm?

### **Answer**

Firms hiring contractual workers may provide the certified renovator that oversees the renovation project and provides on-the-job training to contractual workers and other non-certified workers.

### **Question (23002-18001)**

I am a renovator and I want to comply with EPA's Lead Renovation, Repair and Painting Rule. What do I need to do?

### **Answer**

EPA's RRP rule sets up requirements for firms and individuals performing renovations in pre-1978 housing and child-occupied facilities, such as schools and daycares.

- Firms must be EPA certified. To become EPA certified, renovation contractors must submit an application and fee payment to EPA (<https://www.epa.gov/lead/epa-lead-safe-certification-program>). Once certified, the firm will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA's "Lead-Safe Certified Firm" logo.
- Renovations covered by the rule must be performed or directed by a Certified Renovator. Individuals can become a lead-safe certified renovator by successfully completing a one-day training course in lead-safe work practices. The training courses are offered by EPA-approved private training providers; there is no additional fee to EPA. You can find a training provider in your area by using EPA's search tool at [http://cfpub.epa.gov/flpp/searchrrp\\_training.htm](http://cfpub.epa.gov/flpp/searchrrp_training.htm).

Training providers must be accredited to provide the specialized, one-day lead-safe work practices training. Classes teach the specific work practices that contractors need to protect themselves and their clients from lead contamination, and to allow them and their firm to work legally. Certification is immediate upon successful completion of the training class.

### **Question (23002-17981)**

I am a firm and there are no training providers offering classes near me. What do I do?

#### **Answer**

More than 340 EPA-accredited training providers have indicated to EPA that they are willing to travel to offer training classes. You can find a list of training providers, including those who are willing to travel, by using EPA's search tool at [http://cfpub.epa.gov/flpp/searchrrp\\_training.htm](http://cfpub.epa.gov/flpp/searchrrp_training.htm).

### **Question (23002-32128)**

May I as a training provider issue a certificate without a picture to a trainee who has successfully completed the course but objects to having his or her picture taken (or objects to possessing a photograph of him/herself) on religious grounds?

#### **Answer**

Yes. Training providers may provide a person who objects to having his or her picture taken because of sincerely held religious beliefs with the equivalent of a certificate without a picture. Specifically, the training provider may provide an "Acknowledgement of Completion" that the person has successfully completed the training (containing all the information that a certificate would except for a picture). EPA recommends that training providers include the phrase "photo exception" in the normal place for a picture. Further, training providers should use special coding when assigning Part 5 of the unique certificate number. See for example, R-I-56789-10-E0025. Part 5 ("E0025" in the example) represents the unique number assigned by the trainer. The number is sequential and will always begin with the letter E. The first number E0001 should be assigned to the first "photo exception" student completing training in a given calendar year. More general information about creating the unique identification number is available at: <http://epa.gov/lead/trainerinstructions.html#certificate>.

EPA further recommends that training providers document the trainee's objection by having the trainee sign a statement containing the following: "My refusal to be photographed is grounded upon a sincerely held religious belief. I understand that if challenged, I may be found in noncompliance unless I can demonstrate the sincerity of my religious beliefs." Training providers should submit a copy of this statement to EPA in lieu of a photograph. For anyone who can demonstrate that his or her refusal to be photographed is grounded upon a sincerely held religious belief this acknowledgement will be treated as the equivalent of a certificate.

NOTE: Training providers must now use CDX to submit post-training notifications to EPA that contain the above-described numbering protocol.

### **Question (23002-35001):**

I'm a certified renovator and am planning to take refresher training course soon to keep my certification current. How long will my new certification last?

#### **Answer**

Renovators who recertify by taking a refresher training course from an accredited training provider will have certification that lasts for a period of five years from the date of training.



## ***Authorized State and Tribal Programs***

### **Question (23002-18511)**

If I completed renovator training in an authorized state, what do I need to do to work for an EPA certified firm in EPA-administered jurisdictions?

### **Answer**

There are no additional requirements. To become a certified renovator or certified dust sampling technician, an individual must successfully complete the appropriate course accredited by EPA or by an EPA-authorized State or Tribal program. The course completion certificate serves as proof of certification.

For a list of states, tribes and territories authorized by EPA to administer their own programs, please refer to the “firm certification” tab on this page <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors>.

### **Question (23002-19752)**

My firm is certified by an authorized state. Does this certification allow my firm to work in EPA-administered jurisdictions?

### **Answer**

No. You must apply for and receive EPA certification before offering, performing, or claiming to perform renovations covered by the RRP Rule in EPA-administered jurisdictions.

### **Question (23002-19132)**

Is my EPA renovator certification accepted in all states and tribal areas?

### **Answer**

Not necessarily. Whether to accept certification from another jurisdiction is up to the individual state or tribal area. EPA cannot compel states or tribes to adopt programs identical to the Federal program or to establish reciprocity provisions. However, EPA continues to encourage states and tribes that may be considering establishing their own renovation programs to keep reciprocity in mind as they move forward.

## ***Training Provider Accreditation***

### **Question (23002-15092)**

Do all renovation course instructors need to be approved as principal instructors? For example, to reach a 6:1 student-to-instructor ratio with 18 people in the class, may we have one principal instructor who teaches the entire lecture and is assisted by two additional hands-on instructors (who are not approved as principal instructors)?

### **Answer**

Every accredited training program must employ a qualified training manager, and it is the job of the training manager to designate a qualified principal instructor for each course. The principal instructor is responsible for the organization of the course and oversees the teaching of all course material. The training manager may designate expert guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. In this case, where the principal instructor will teach the entire course, qualified guest instructors may assist with the hands-on aspects of the course material.

### **Question (23002-18403)**

If a student in a renovator training course is unable to read and understand English, may the exam be read to them in their native language?

### **Answer**

No. Separate course accreditations are required for each renovation course a training provider offers that is in a language other than English. Courses presented in a language other than English must use instructor manuals, exams, and other course materials in that language that have been reviewed by EPA as part of the accreditation process for the course.

### **Question (23002-19568)**

May renovator training providers provide reasonable accommodations to people with disabilities?

### **Answer**

Yes. However, to pass the course an individual must successfully complete the hands-on skills assessment and receive a passing score on the course test.

### **Question (23002-19573)**

May the renovator training provider give the exam orally?

### **Answer**

Yes. There is no requirement that the course test be conducted in writing. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course.

### **Question (23002-32491)**

Is it permissible for a training provider to employ more than one training manager?

### **Answer**

Yes. The Rule requires that a training provider employ a training manager that meets the qualifications in 40 CFR 745.225(c)(1). EPA does not interpret this to be a limitation on the permissible number of training managers. Therefore, a training provider may employ more than one training manager so long as each person meets all qualifications in 40 CFR 745.225(c)(1). An accredited training provider wishing to add an additional training manager can do so by amending their accreditation. Applying for accreditation and amending an accreditation to add a training manager is done online using CDX. Note that if information included in your most recent application to EPA changes, you have 90 days to amend your

accreditation. If an amendment is not submitted within 90 days, you may not provide training until your accreditation is amended.

**Question (23002-35003):**

I'm an accredited training provider. Can the final course assessment be administered in an "open book" format?

**Answer**

No. The training provider is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainee's knowledge and retention of the course topics. A course test administered in an open book format does not evaluate whether a student has sufficiently learned and retained the information in the course.

**Question (23002-35002):**

I'm a training provider and have been accredited for the renovator refresher course. If a renovator takes the refresher course early (i.e., before their previous certification has expired), would the new certification be valid for five years from the date of training, or five years from the date that the previous certification expires?

**Answer**

Renovator refresher training and recertification is valid for five years from the date of training.

## ***Enforcement and Inspections***

### **Question (23002-24814)**

Who would be liable for the fine if a state or local government that was not a certified firm hired a contractor that was not certified?

### **Answer**

The hired firm would be in violation of the RRP Rule if it was uncertified and performing a covered renovation.

### **Question (23002-15532)**

Does EPA's announcement of June 18, 2010 modify the Lead Renovation Repair and Painting Rule's requirements that contractors use lead-safe work practices when working in pre-1978 housing or child-occupied facilities?

### **Answer**

This announcement does not change the requirement that all contractors take steps to protect children and families from the dangers of lead poisoning by becoming certified and following the work practice standards and the associated recordkeeping requirements. As of April 22, 2010, all contractors have been required to be certified and follow the work practice standards described on EPA's website. The effect of the June 18, 2010 memorandum only provides firms more time to apply for and obtain certification as a lead-based paint renovation firm before active enforcement of the firm certification requirements begins. EPA is also providing individual workers additional time to enroll in and take the required training course to become certified lead-based paint renovators before active enforcement of the individual renovator training requirements begins. EPA will use its enforcement authority to ensure compliance by enforcing work practice standards and their associated recordkeeping requirements against all renovators and firms. Therefore, renovators who have not been able to complete the training requirements are advised to review EPA's model training materials available <https://www.epa.gov/lead/lead-safety-renovation-repair-and-painting-model-certified-renovator-initial-training-course>. Additional information on lead-safe work practices can be found at <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

All renovation firms, even those not yet certified under the RRP rule, are also reminded of their continuing obligations to comply with Lead Renovation, Repair and Painting Rule's pre-renovation information distribution requirements, which require that before firms begin each renovation on pre-1978 housing or child-occupied facilities and to comply with the associated recordkeeping requirements. These requirements are explained in EPA's *Small Entity Compliance Guide to Renovate Right*, available at: <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and>.

### **Question (23002-15654)**

Does the June 18, 2010, announcement mean that EPA will not enforce certification and training requirements until after October 1, 2010, for firms and December 31, 2010, for renovators?

### **Answer**

EPA is not stopping its enforcement against any renovation firms and individual renovators who do not comply with requirements of work practice standards and associated recordkeeping requirements. However, EPA is providing additional time for renovation firms and workers to obtain the necessary training and certifications before enforcement of the firm certification and individual renovator requirements begins.

- **Renovation Firms.** Until October 1, 2010, EPA will not take enforcement action for violations of the RRP rule's firm certification requirement.
- **Individual Renovators.** EPA will not enforce against individual renovation workers for failure to be trained if the person has applied to enroll in, or has enrolled in, by not later than September 30, 2010, a certified renovator class to train contractors in practices necessary for compliance with the final rules. Individual renovators must complete the training by December 31, 2010. Renovators who have not been able to complete the training requirements are advised to review EPA's model training materials available at <https://www.epa.gov/lead/lead-safety-renovation-repair-and-painting-model-certified-renovator-initial-training-course>. Additional information on

lead-safe work practices can be found at <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

### **Question (23002-20668)**

Thousands of renovators are already trained and their firms are EPA certified. Will EPA enforce against renovators who did not receive their training certification before December 31, 2010?

### **Answer**

It is most important that all contractors follow the RRP work practice standards. However, EPA is providing additional time for renovation firms and workers to obtain the necessary training and certifications before the enforcement of the firm certification and individual renovator requirements begins. Therefore, renovators who have not been able to complete the training requirements are advised to review EPA's model training materials available at <http://epa.gov/lead/training.html>. Additional information on lead-safe work practices can be found at <https://www.epa.gov/lead/small-entity-compliance-guide-renovate-right-epas-lead-based-paint-renovation-repair-and> or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

### **Question (23002-17305)**

How does the June 18, 2010 announcement impact renovators in states that have adopted their own RRP programs?

### **Answer**

If you work in a state authorized by EPA to run their own renovation program, you should contact them for information on their certification requirements. If you work in a state where EPA administers the renovation program your firm needs to be certified by EPA. Please refer to the "firm certification" tab on this page for a list of states authorized by EPA to run their own renovation programs --<https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors>.

## **Information for Do-It-Yourselfers**

### **Question (23002-16166)**

How can homeowners protect themselves and their families from exposure to lead dust if they plan on doing their own renovations?

#### **Answer**

The RRP Rule does not impose requirements on homeowners performing renovations in their own homes. If you do decide to do a renovation yourself, it's very important to take precautions to protect you and your family from exposure to lead dust. EPA recommends that you follow these simple procedures:

- Contain the work area so that dust does not escape from the area. Cover floors and furniture that cannot be moved with heavy duty plastic and tape, and seal off doors and heating and cooling system vents;
- Keep children, pregnant women, and pets out of the work area at all times;
- Minimize dust during the project by using techniques that generate less dust, such as wet sanding or scraping, or using sanders or grinders that have HEPA vacuum attachments which capture the dust that is generated; and
- Clean up thoroughly by using a HEPA vacuum and wet wiping to clean up dust and debris on surfaces and wet mopping the floors with plenty of rinse water before taking down plastic over doors, windows, and vents.

For more specific information on how to perform renovation, repair, and painting projects safely in your own home, go to <https://www.epa.gov/lead/> or call the National Lead Information Center at 1-800-424-LEAD.

## **Lead Abatement, Risk Assessment and Inspection**

### **Question (23002-32437)**

Do I ever need to be recertified for lead-based paint abatement?

#### **Answer**

Yes, you must be recertified every three or five years. Your EPA certificate will indicate when your certification expires. See the [Recertification Fact Sheet](#) for further information.

### **Question (23002-32429)**

When must I apply for certification?

#### **Answer**

You must complete the application process, including the third party exam (if required for your discipline), before the expiration date of your interim certification. Submit your application for certification to EPA within 30 days of completing your initial training course so that you have plenty of time to take the third party exam and ensure that your application is complete before your interim certification expires.

### **Question (23002-32431)**

Besides the initial training course, what are the education, experience and training requirements for each discipline?

#### **Answer**

Training requirements for lead-based paint abatement disciplines are as follows:

- Lead-Based Paint Inspector
  - None.
- Lead-Based Paint Risk Assessor
  - Pass an accredited inspector course.
  - Meet one of the following requirements:
    - Bachelor's degree and one year of experience in a related field, or
    - an Associates degree and two years experience in a related field; or
    - Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field, or
    - A high school diploma (or equivalent), and at least three years of experience in a related field.

- Lead-Based Paint Abatement Supervisor
  - Meet one of the following requirements:
    - One year of experience as a certified lead-based paint abatement worker, or
    - At least two years of experience in a related field.
- Lead-Based Paint Project Designer
  - Pass an accredited supervisor course.
  - Meet one of the following requirements:
    - Bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design or a related field, or
    - Four years of experience in building construction and design or a related field.
- Lead-Based Paint Abatement Worker
  - None.

### Question (23002-32444)

How do I apply for recertification as an individual under the lead-based paint abatement program?

#### Answer

Application for recertification is done [online](#). You must take an accredited refresher training course and then be prepared to attach the following when completing your online application:

- PDF copy of your course completion certificate.
- Passport photograph (JPG format preferred).
- Credit card, debit card, or information needed to complete an ACH payment of the applicable fee.

### Question (23002-32442)

What must I do to be recertified?

#### Answer

Prior to the expiration of your current certificate, you must take an accredited refresher training course, you must apply to EPA for recertification, and you must pay a recertification fee.

### Question (23002-32439)

Must I take a third party certification exam?

#### Answer

No third party exam is required for recertification, even if you choose to take another initial training course rather than a refresher training course.

### Question (23002-32445)

When do I apply for recertification?

#### Answer

You must be recertified by EPA before your current certification expires. EPA therefore recommends that you submit your application for recertification no later than 90 days before your current certification expires.

### Question (23002-32440)

When must I take refresher training?

## Answer

You must take refresher training before you apply for recertification to EPA. You should begin looking for available courses well before your current certification expires, because refresher courses may not be available in your area on a frequent basis. However, EPA recommends that you take your refresher training no earlier than 18 months before your current certification expires. You will not lose time from your current certification if you take refresher training early. When you apply for recertification, EPA will issue you a certificate that begins on your current expiration date and expires three years from that date. If you are unable to find an accredited refresher course in your discipline, you may take an accredited initial course in your discipline. If you choose this option, you must successfully complete the entire course.

## Question (23002-32436)

What if I do not complete the lead-based paint certification application process before my interim certification expires?

## Answer

You must have completed the application process and received a certificate from EPA within six months of receiving your course completion certificate. If the application process is not completed you must retake the appropriate course from an accredited training program and reapply for certification from EPA. If you do not receive a certificate from EPA before your interim certification expires you cannot conduct lead-based paint activities.

## Question (23002-32435)

What will happen when EPA receives my lead-based paint certification application?

## Answer

If you are applying for certification as an Inspector, Risk Assessor, or Supervisor, EPA will send you a letter that instructs you how to register for and take the required third party exam for that discipline. If you are applying for certification as a Project Designer or Worker, EPA will begin processing your application as soon as it is complete.

## Question (23002-32430)

How do I apply for certification as an individual under the lead-based paint abatement program?

## Answer

Application for certification is done [online](#). You must have the following materials available in order to apply:

- PDF copy of your course completion certificate.
- Passport photograph (JPG format preferred).
- Credit card, debit card, or information needed to complete an ACH payment of the applicable fee.
- PDF copies of evidence that you meet all of the education, experience, and training requirements for the discipline (e.g., academic transcripts, resume, and training course completion certificates).

## Question (23002-32427)

When may I begin conducting lead-based paint activities?

## Answer

You may begin work immediately after receiving a course completion certificate from an initial training course that is accredited by EPA. This certificate serves as interim certification for six months following completion of training. This gives you time to complete the certification process, including taking the third party exam (if required for your discipline). However, if you do not pass the exam within 6 months your interim certification will expire and you will not be able to work.

## Question (23002-32432)

What if I am already certified by an EPA authorized state or tribal program?



## Answer

If you are already certified by an EPA-authorized program in a particular discipline, and you want to obtain Federal certification, you must be prepared to submit the following in your [online application](#):

- Copy of your currently valid certificate (license/permit) from the authorized State or Tribe.
- Passport photograph (JPG format preferred).
- Credit card, debit card, or information needed to complete an ACH payment of the applicable fee.
- You do not need to take an EPA-accredited initial training course or the third-party exam.

## Question (23002-32433)

Are there any special requirements for the passport photos?

## Answer

You must submit a passport photograph of you alone (JPG format preferred). The photographs must be:

- Recent enough to be a good likeness (taken within the last six months);
- Clear with a front view of your face taking up the majority of the area (no hats or dark glasses) with a white/off-white background; and
- Focused on your head and shoulders.

Also please note that retouched, and profile images are not acceptable.

## Question (23002-32438)

Where can I get more information about lead-based paint abatement certification?

## Answer

Information regarding certification under EPA's lead-based paint abatement program is available at <https://www.epa.gov/lead/lead-based-paint-activities-professionals>.

## Question (23002-32443)

Which refresher training courses must I take?

## Answer

You must take an accredited refresher training course for each discipline in which you are certified. The courses must be accredited either by EPA or by an EPA-authorized state or tribal lead-based paint program.

## Question (23002-32428)

What activities may each discipline perform?

## Answer

Disciplines may perform as follows:

- Inspectors may perform inspection and post-abatement testing activities;
- Risk assessors may perform inspection, post-abatement testing, lead hazard screen, and risk assessment activities;
- Abatement supervisors may supervise abatement projects and prepare occupant protection plans and abatement reports; Supervisors may also perform all of the abatement activities that may be performed by abatement workers;
- Project designers may prepare occupant protection plans and abatement reports for abatement projects; and
- Abatement workers may conduct abatement activities under the direction of certified abatement supervisors.

## Question (23002-33452)

What is the definition of abatement? How do I determine if a particular activity is a regulated abatement activity?

### Answer

Abatement is defined at 40 CFR 745.223 as any measure or set of measures designed address lead-based paint hazards. Following this basic definition are four numbered paragraphs (1)-(4) that provide a non-exhaustive list of examples of what is or is not abatement. Persons attempting to determine whether an activity is abatement, and therefore subject to regulation, should consider both the basic definition in the initial paragraph of 40 CFR 745.223 and the examples and exclusions in paragraphs (1)-(4) that follow. If an activity is not expressly included or excluded in paragraphs (1)-(4), the activity is still abatement if it falls within the basic definition (i.e., a measure or set of measures designed to address lead-based paint hazards). Conversely, if an activity is included in paragraphs (1)-(4) but is not designed to address lead-based paint hazards, the activity is not abatement.

## Question (23002-33438)

Can a rental property owner perform lead abatement on an unoccupied residential property without meeting the abatement training and certification requirements?

### Answer

No. Persons wishing to perform lead abatements are exempt from the abatement training and certification requirements only if they meet all of the following requirements at 40 CFR 745.220(b):

1. The person is the owner of the residential dwelling.
2. The residential dwelling is occupied by the owner or the owner's immediate family.
3. A child with an elevated blood lead level (EBL) is not residing in or occupying the residential dwelling.

The exemption in 40 CFR 745.220(b) is strictly intended to cover homeowners performing lead-based paint activities in their own homes. Whether the property is unoccupied or occupied by someone other than the owner or the owner's immediate family at the time the lead-based paint activities are performed does not affect the applicability of the exclusion. The second criterion above is intended to exclude rental property. The exemption would not apply to homeowners performing lead-based paint activities in a house they owned and rented out to others. Additionally, the exemption does not apply to a homeowner's residence when there is a child with elevated blood lead levels occupying the house. This third criterion was added in response to public comments on the proposed rule. The restriction was intended to protect the most sensitive populations, children with elevated blood lead levels, from potential lead exposure during lead abatements conducted by untrained homeowners. Therefore, landlords would only be eligible for the exemption when they meet all of the above criteria. Example: Mr. Smith owns Houses A and B, lives in House A, and rents out House B. He would be eligible for the exemption under 40 CFR 745.220(b) if he abated House A and did not have a child with elevated blood lead levels living in House A. Mr. Smith would not be eligible for the exemption if he abated House B, because he and/or his immediate family are not residing in House B. Even if Mr. Smith relocated the tenants during the abatement or waited to do the abatement when House B was between rentals, he still would not be eligible for the exemption for House B.

## Question (23002-33459)

If a person is the principal instructor or guest instructor for an initial or refresher course for one of the disciplines, can that person rely on his or her instruction of the course to fulfill the training requirement for certification in that discipline.

### Answer

No. A person who is a principal instructor or guest instructor for a course may not rely on that course to fulfill requirements for certification. The requirements at 40 CFR 745.226(b)(1)(i) and (c)(1)(i) say that to become certified a person must "successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program." A person may be re-certified in a discipline if he or she "successfully completes the appropriate accredited refresher training course and submits a valid copy of the appropriate refresher course completion certificate." 40 CFR 745.226(e)(2). Under the accreditation requirements in 745.225(c)(7), each person "must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course." To successfully complete training requirements, persons seeking certification just complete the training as students rather than as instructors. This will maximize each person's participation in the training, including the hands-on components, and will ensure that each person's qualifications are independently and objectively evaluated through the course test.

### **Question (23002-33458)**

Are there any American Society of Testing Materials (ASTM) standards that EPA considers “documented methodologies”?

### **Answer**

Yes. ASTM Standards are voluntary consensus standards developed after careful review by technical committees which generally include EPA and HUD staff. ASTM Standards relating to lead often reference EPA and HUD documents, just as EPA and HUD documents often reference appropriate ASTM Standards. Although EPA did not specifically list ASTM Standards by name in its list of documented methodologies at 40 CFR 745.227(a)(3), EPA considers ASTM Standards to be “other equivalent methods”. For example, the ASTM has developed the following standards which apply to collection and analysis lead samples in paint, dust or soil: ASTM E1726, “Standard Practice for Sample Digestion of soils for the Determination of Lead by Atomic Spectrometry.” ASTM E1727, “Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques.” ASTM E1728, “Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry.” ASTM E1729, “Standard Practice for Field Collection of Dried Paint Samples for Lead Determination by Atomic Spectrometry.” ASTM E1792, “Standard Specification for Wipe Sampling Materials for Lead in Surface Dust.” EPA recognizes that the field is still changing and that new and better technologies and methods are still under development. EPA drafted the regulatory text broadly so as to not limit the use of these future methodologies. Should ASTM develop other relevant standards in the future, EPA would also consider them to be documented methodologies.

### **Question (23002-33454)**

Did the final TSCA section 403 rule say who may make a hazard determination?

### **Answer**

No. Although the TSCA section 403 rule defines a hazard determination, it did not specify who may make hazard determinations. The TSCA section 403 rule amended the work practice standards in 40 CFR 745.227 by adding 745.227(h) - “Determinations,” which explains what constitutes lead-based paint, a paint-lead hazard, a dust-lead hazard, or a soil-lead hazard. The TSCA section 402 rule, which established the work practice standards in 745.227, already requires that a lead hazard screen or risk assessment be conducted by a certified risk assessor (745.227(c)(1) or 745.227(d)(1), respectively) and that post-abatement testing be conducted by a certified inspector or risk assessor (745.227(e)(8)(i)). Therefore, when hazard determinations are made as part of lead hazard screens and risk assessments or when post-abatement testing is conducted, these activities must be done by a certified individual following all of the appropriate work practice standards in 745.227. Likewise, when hazard determinations are made as part of activities under EPA’s Renovation, Repair and Painting (RRP) Rule, these activities must be done by a certified individual following the appropriate work practices in 745.85. Further, EPA-authorized state programs may have different requirements, including additional requirements for hazard determinations. Therefore, it is important for individuals to review the specific regulations for the states where they will be working. Although EPA does not specify who may make a hazard determination, EPA does specify what constitutes a hazard determination. As part of the final TSCA section 403 rule EPA added 745.227(h) “Determinations” which explains generally how to determine the presence of lead-based paint, paint-lead hazards, dust-lead hazards, and soil-lead hazards. These are the requirements for EPA’s Federal program. EPA-authorized state programs may address hazard determinations differently. When lead-based paint hazards are reported for any purposes, it will always be important to indicate the source of the data so that anyone to whom the information is being provided may consider the accuracy of the data when determining its significance.

### **Question (23002-33456)**

The definition of “wipe sample” relies on two very specific American Society of Testing Materials (ASTM) standards. In referencing the ASTM standards, did EPA intend to prevent the use of EPA and HUD standards for wipe samples?

### **Answer**

No. In establishing work practice standards for lead-based paint activities, EPA did not intend to prevent the use of EPA/HUD standards. As a general matter, the requirements are not prescriptive, but instead state that certain activities be conducted using appropriate documented methodologies. For example, 40 CFR 745.227(c)(3) requires that dust samples

be taken using documented methodologies that incorporate adequate quality control procedures. At 745.227(a)(3), EPA lists documented methodologies that are appropriate for the work practice standards, including the HUD Guidelines and certain EPA methodologies, and also states that “other equivalent methods” are acceptable. Although the definition of “wipe sample” refers specifically to ASTM standards, EPA does not interpret this as limiting the acceptable standards to those of ASTM. EPA considers the description of wipe materials found in the HUD Guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 edition, at Appendix 13.1, “Wipe Sampling for Settled Lead-Contaminated Dust” and the discussion of wipes on pp. 15-16 of EPA’s document Residential Sampling for Lead: Protocols for Dust and Soil Sampling, March 1995, EPA 747-R-95-001 to be the equivalent of the ASTM standards, and therefore, acceptable for use.

### **Question (23002-33457)**

The definition of “soil sample” at 40 CFR 745.63 relies on certain American Society of Testing Materials (ASTM) standards. Did EPA intend to prevent the use of EPA and HUD standards for soil samples?

### **Answer**

No. In establishing work practice standards for lead-based paint activities, EPA did not intend to prevent the use of EPA/HUD standards. As a general matter, the requirements are not prescriptive but instead state that certain activities be conducted using appropriate documented methodologies. For example, 40 CFR 745.227(c)(3) requires that dust samples be taken using documented methodologies that incorporate adequate quality control procedures. At 745.227(a)(3), EPA lists documented methodologies that are appropriate for the work practice standards, including the HUD Guidelines and certain EPA methodologies, and also states that “other equivalent methods” are acceptable. Although the definition of “soil sample” refers specifically to ASTM standards, EPA does not interpret this as limiting the acceptable standards to those of ASTM. EPA considers HUD’s Appendix 13.3: “Soil Sampling: Protocol for Housing,” (“Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” June 1995) and EPA’s “Protocol for Collection of Soil Samples for Lead Determination” (pp. 6-14 of “Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report,” EPA 747-R-95-001, March 1995), to be the equivalent of the ASTM standards, and therefore, acceptable for use.

### **Question (23002-33441)**

Does TSCA section 402 apply to U.S. military bases, facilities, and installations located outside of the U.S.?

### **Answer**

No. EPA does not have authority to regulate environmental conditions in foreign countries. Environmental compliance by Department of Defense installations overseas is governed by a number of documents. For example, Executive Order 12088, dated October 13, 1978, requires that the heads of government agencies responsible for constructing or operating Federal facilities outside of the United States must ensure that the construction or operation of those facilities complies with the environmental laws of the host country or jurisdiction. This general requirement applies to all Department of Defense installations outside the United States, its territories and possessions. Military facilities may also be subject to treaties or other bilateral or multilateral agreements.

### **Question (23002-33455)**

Do EPA’s current rules require inspectors, risk assessors, dust sampling technicians, or any individual who performs lead-based paint and/or lead dust sampling to document any visible lead-based paint deterioration on components and estimate the surface area of deteriorating paint during a lead evaluation?

### **Answer**

It depends on the type of evaluation being done. The work practice standards at 40 CFR 745.227 provide instructions for addressing deteriorated lead-based paint during lead hazard screens, risk assessments, and post-abatement activities. Inspections only examine the presence of lead-based paint and do not consider deterioration. Instructions for dust sampling technicians performing optional post-renovation are provided at 40 CFR 745.90.

### **Question (23002-33651)**

What is the difference between Abatement Certification and Renovation (RRP) Certification?

## Answer

Abatement certification, also known as Lead-Based Paint Activities certification, is a specialized type of certification for firms who specifically work with lead-based paint such as lead abatement firms, lead risk assessor firms, and lead inspection firms. Abatement intentionally addresses lead-based paint hazards. Renovation (RRP) certification is appropriate for firms who disturb paint in pre-1978 residences and child-occupied facilities simply as a consequence of doing other work. It covers a broad range of firms including renovators, carpenters, painters, electricians, plumbers, handymen, and more. These firms do NOT need abatement certification.

## Question (23002-33462)

Must refresher course completion certificates for lead-based paint abatement certification bear an expiration date?

## Answer

No. The requirement that a completion certificate include an expiration date only applies to “interim certifications.” Refresher course completion certificates do not expire in the Federal program. Specifically, 40 CFR 745.225(e)(4) and (e)(5)(vi), in describing requirements for refresher courses, refer back to 40 CFR 745.225(c), the requirements for initial course programs. However, 40 CFR 745.225(c)(8)(iv), which states that course completion certificates must bear the interim certification expiration date, does not apply to refresher course completion certificates. “Interim certification,” as that term is defined in 40 CFR 745.223, describes the status of a person who has successfully completed a training course but who has not yet received formal certification from EPA. The term is not applicable to persons who have already been certified. Accordingly, there is no interim certification date to display on a refresher course completion certificate. Moreover, 40 CFR 745.226(e) states that a certified person must be re-certified by EPA every three years, or every five years, if the person’s initial course included a proficiency test. Unlike the interim certification, which allows a person to work for up to six months before being fully certified, a certification of a person who has already been certified will expire on the applicable anniversary date (three or five years), unless they have taken the refresher course and been re-certified prior to the expiration of their current certification. There is no provision allowing this deadline to be extended (or shortened) based on the completion date of a refresher course. Imprinting a refresher course completion certificate with an expiration date six months from the date the certificate is issued could mislead certified individuals into thinking that they have six months from the date they complete their refresher course to become re-certified regardless of when their certification expires. This is incorrect and may cause a person’s certification to lapse. In addition, such an expiration date could also be misleading because it implies that a certified person must take a refresher course no more than six months before his or her current certification expires. EPA has no such requirement. On the contrary, EPA recommends that refresher training be taken more than 18 months before an individual’s current certification expires.

## Question (23002-33447)

Must all persons present on an abatement job site be certified?

## Answer

No. The regulations at 40 CFR 745.220(b) require that persons engaged in lead-based paint activities defined in 745.223 must be certified. The work practice standards at 745.227 are specific as to which disciplines may perform which lead-based paint activities. However, EPA recognizes that other activities such as interim controls may also be conducted at sites simultaneously with abatement and other lead-based paint activities. Only persons working on abatement job sites who are engaged in activities described as inspections, lead-hazard screens, risk assessments or abatements are required to be certified in the appropriate disciplines. Under 745.226(g)(1), EPA may suspend, revoke, or modify an individual’s certification if an individual has performed work that required certification when appropriate certification had not previously been obtained or failed to comply with the work practice standards at 745.227 or with other appropriate lead-based paint regulations.

## Question (23002-33453)

Immediately following the completion of renovation activities, a company conducts an examination which reveals dust levels above the action level. Is removal of dust to address the failure of this examination considered abatement?

## **Answer**

No. The removal of dust to address the failure of the examination would be considered part of cleanup from the renovation. Routine cleanup of renovation-related dust is not abatement, even if the dust is known to be above the dust lead reportable level. For more information on lead-safe work practices or to find a professional certified by EPA, see EPA's website at <http://www.epa.gov/lead> or contact the National Lead Information Center at 1-800-424-LEAD.

## **Question (23002-33443)**

I took a lead-based paint activities course accredited by an authorized State, but I'm seeking certification from EPA. What must I submit?

## **Answer**

Individuals seeking EPA certification under the provisions of 40 CFR 745.226(a)(1)(ii) may take courses accredited by authorized States or Tribes. However, they must also complete their certification in the authorized State or Tribe and submit a valid lead-based paint activities certification from the authorized State or Tribe when applying for EPA certification.

## **Question (23002-33449)**

Can a supervisor carry out worker activities?

## **Answer**

Yes. Both the training and the education and experience requirements of supervisors cover the same topics required of workers in addition to the topics specific to supervisors. In order to supervise workers, supervisors must know how to carry out worker activities.

## **Question (23002-33439)**

If a homeowner wishes to perform lead abatement on his own home, but the home is visited on occasion by a child with elevated blood lead levels, is that homeowner subject to regulatory requirements (training, certification, work practice standards, etc.)

## **Answer**

It depends. If a child with elevated blood lead levels spends an amount of time in the home that would meet the definition of "child-occupied facility" at 40 CFR 745.223, a homeowner conducting lead abatement on that home would not be eligible for the exemption at 40 CFR 745.220(b). However, if a child with elevated blood lead levels spends an amount of time in the home that is less than the time required in the definition of "child-occupied facility," a homeowner would be eligible for the exemption.

## **Question (23002-33444)**

When individuals apply for certification in the Federal program under 40 CFR 745.226(a)(1)(i), how long will the certification last?

## **Answer**

For individuals who have taken courses which included a course test and a hands-on skills assessment, the full certification period for individuals applying under 40 CFR 745.226(a)(1)(i) will run for three years from the date of issuance of certification by EPA. For individuals who have taken courses which included a proficiency test instead of the course test and hands-on skills assessment, the full certification period would run for five years from the date of issuance of certification by EPA.

### **Question (23002-33608)**

Where can I get more information or instructions for applying for certification or accreditation?

#### **Answer**

General information and instructions for applying for certification or accreditation are available from the National Lead Information Center (NLIC) at 1-800-424-LEAD (5323). [Get forms and instructions.](#)

### **Question (23002-33446)**

If I complete an EPA-accredited abatement course and receive EPA certification where am I eligible to work?

#### **Answer**

EPA runs the Federal abatement program under Subpart L in all States and Indian Tribes that have not received authorization under Subpart Q to operate their own programs. If you are certified by EPA under the lead-based paint abatement program you are eligible to work in all EPA administered jurisdictions. Here's a link to the current list of jurisdictions where EPA runs the lead abatement program --<https://www.epa.gov/lead/lead-based-paint-activities-professionals>.

### **Question (23002-33445)**

When individuals apply for certification in the Federal program under the provisions of 40 CFR 745.226(a)(1)(ii) by submitting a valid certification from an authorized State or Tribe, how long will the certification last?

#### **Answer**

The full certification period for individuals applying under the provisions of 40 CFR 745.226(a)(1)(ii) will be three years from the date of issuance of certification by EPA.

### **Question (23002-33440)**

If a person purchases a house and plans to conduct a lead abatement before moving his or her family into the house, is that person subject to regulatory requirements (training, certification, work practice standards, etc.) at 40 CFR 745 Subpart L?

#### **Answer**

No. If the person intends to perform lead abatement himself, owns the home, intends to use the home as a residence for himself or his immediate family, and a child with an elevated blood lead level (EBL) will not reside in or occupy the home, then the person is excluded from regulation pursuant to 40 CFR 745.220(b).

### **Question (23002-33464)**

For initial certification, the Federal program allows individuals to obtain their training through either the Federal program or a Federally authorized State or Tribal Program. When applying for recertification in the Federal program, what types of accreditation are acceptable for refresher courses?

#### **Answer**

For the refresher training requirement, an individual can take courses that are accredited by either the Federal program or an EPA-authorized State or Tribal program. While the regulatory language regarding recertification does not specify whether "accredited refresher training course" includes courses accredited by EPA-authorized States and Territories, this interpretation is consistent with the approach taken for initial certification, wherein a valid certificate from an authorized State or Tribal program (see 40 CFR 745.226(a)(1)(ii)) is considered equivalent to a certificate issued by a Federally accredited training provider.

**Question (23002-33450)**

Does a supervisor need to be certified as a worker to conduct lead-based paint activities normally conducted by certified workers?

**Answer**

No.

**Question (23002-33463)**

In some areas of the country, refresher courses are offered infrequently. Can an individual applying for recertification re-take an initial course in the lead-based paint activity discipline for which they are certified instead of taking a refresher course?

**Answer**

Yes. The certified individual can simply re-take the initial course in the discipline for which they are certified.

**Question (23002-33442)**

Must employees of Federal agencies who conduct lead-based paint activities be certified as individuals? Must their agencies be certified as firms? Must Federal agencies pay certification fees for individuals and firms?

**Answer**

Yes. TSCA section 408 generally requires Federal agencies and their employees to comply with all Federal, State, interstate, and local requirements, both substantive and procedural, respecting lead-based paint, lead-based paint activities, and lead-based paint hazards in the same manner and to the same extent as any non-governmental entity is subject to such requirements. The regulations at 40 CFR 745.220(c) specifically state that Federal government agencies and their employees must comply with the requirements of 40 CFR part 745, subpart L. This includes payment of certification fees. Therefore, Federal employees who conduct lead-based paint activities as defined in 745.223 must be certified as individuals, and Federal agencies whose employees conduct lead-based paint activities must be certified as firms. To become certified, these individuals and firms must pay certification fees.

**Question (23002-33451)**

If a person takes supervisor training, is that person qualified to seek certification as a worker?

**Answer**

Yes. The training requirements of supervisors cover the same topics required of workers and there are no additional education or experience requirements for workers. Therefore, a person who successfully completes supervisor training would be qualified to seek certification as a worker.

**Question (23002-33461)**

Can a training provider that is accredited only in a Federal program state teach a course at a location in an authorized State that would lead to certification in the Federal program?

**Answer**

The Federal program does not restrict the location where Federal program training courses can be provided. In other words, a federally-accredited training provider may provide training in any state, and the resultant certification would enable a person to work in all federal program states. However, the Federally-accredited training provider must comply with federal lead-based paint program regulations, including the requirement that the training provider list the location of its facilities, including facilities in authorized States, in its original or amended accreditation application. The training provider must also notify EPA before and after conducting the course. These notices must include a valid EPA accreditation number for the lead-based paint activities course being offered. Additionally, if a federally-accredited training provider is planning on providing training at a location in an authorized State, EPA recommends that the training provider



confer with the authorized State to determine whether the State allows the advertising or teaching of courses not accredited by that State, requires notification of training, or imposes any other requirements.

### **Question (23002-33460)**

Can a training provider that is accredited only in an authorized State teach a course in an out-of-state location that would lead to certification in the authorized State?

#### **Answer**

Because the training provider is not Federally-accredited and is not offering a course that would lead to EPA certification, the Federal lead-based paint program regulations do not apply. However, EPA recommends that the training provider discuss applicable State program requirements with the authorized State.

### **Question (23002-36711)**

Must self-employed or one-person businesses that perform lead-based paint activities, such as lead-based paint inspections, risk assessments, or abatements, be certified as firms in addition to being certified as individuals?

#### **Answer**

Yes. Under 40 CFR 745.226(a)(5), individuals performing lead-based paint activities must be certified, so all self-employed persons must be certified as individuals in the appropriate discipline(s). In addition, the definition of certified firm at 745.223 includes sole proprietorships that perform lead-based paint activities. The definition of certified firm also includes other business entities that perform lead-based paint activities. This includes all other one-person businesses that would not be considered to be sole proprietorships. Under 745.226(f)(1), all firms performing or offering to perform lead-based paint activities must be certified. Therefore, any person who is self-employed or operating a one-person business which performs or offers to perform lead-based paint activities, must be certified in the appropriate individual disciplines as required by 745.226(a) and must also be certified as a firm under 745.226(f).

### **Question (23002-33448)**

When do persons applying for certification as inspectors, risk assessors, or supervisors apply to EPA, before or after taking the 3rd party exam?

#### **Answer**

Persons applying for certification as inspectors, risk assessors, and/or supervisors must apply to EPA before taking the 3rd party certification exam. For more information about applying for certification as a lead-based paint abatement professional please refer to EPA's Lead-based Paint Professionals page at <https://www.epa.gov/lead/lead-based-paint-activities-professionals>

## **Applying for Certification or Accreditation**

### **Question (23002-37001)**

What is the difference between Lead-Based Paint Activities (Abatement) and Renovation, Repair, and Painting (RRP)?

#### **Answer**

Abatement is a specialized activity designed to address lead in the home. RRP activities (including most home contracting work) disturb paint as a consequence of the activity, but they are often undertaken for reasons unrelated to lead issues. For more information about distinctions between the 2 activities, click [here](#).

### **Question (23002-37002)**

How does my firm become Renovation, Repair, and Painting (RRP) Certified?

## Answer

EPA's Renovation, Repair, and Painting program applies to all states, tribes and territories where EPA has not specifically provided authorization for that state, tribe or territory to operate the program themselves.

Currently, there are 15 states and 1 tribe that are authorized by EPA to operate their own RRP programs in lieu of the federal program. Contractors working in these states: **Alabama, Delaware, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oklahoma, Oregon, Rhode Island, Utah, Vermont, Washington, and Wisconsin**, or in the **Bois Forte Tribe** should contact the respective state or tribe for more information about their training and certification requirements. Links to these state programs are available [here](#). Note that if you work in more than one state, you may need both EPA federal and state certifications.

Firms operating in all other states, territories or tribes administered by EPA can become certified by first searching for their firm online at <https://www.epa.gov/lead/lead-renovationabatement-firm-certification-application-or-update>. If you cannot locate your firm using the search and can confirm your firm does not have a current or pending certification, you can begin an application to certify a new firm using the link provided at the bottom of the "Results" page. Please note that the search results area of the webpage has its own scroll bar separate from the main page, you need to scroll to the bottom of this area to see the link to begin a new firm application. If you work in more than one state, you may need both EPA federal and state certifications.

## Question (23002-37003)

How does my firm become Abatement Certified?

## Answer

EPA's Abatement program applies to all states, tribes and territories where EPA has not specifically provided authorization for that state, tribe or territory to operate the program themselves.

EPA only administers the abatement program in the following states, tribes and territories: **Alaska, Arizona, Florida, Idaho, Montana, Nevada, New Mexico, New York, South Carolina, South Dakota, and Wyoming or American Samoa, Guam, the Marianas and all tribal lands except the Cherokee Nation**, Upper and Lower Sioux Nations, and the **Bois Forte Band**. Contractors working in these areas can become certified by first searching for their firm online at <https://www.epa.gov/lead/lead-renovationabatement-firm-certification-application-or-update>. If you cannot locate your firm using the search and can confirm your firm does not have a current or pending certification, you can begin an application to certify a new firm using the link provided at the bottom of the "Results" page. Please note that the search results area of the webpage has its own scroll bar separate from the main page, you need to scroll to the bottom of this area to see the link to begin a new firm application. If you work in more than one state, you may need both EPA federal and state certifications.

Firms operating in any states, territories or tribes not listed in the previous paragraph should contact the respective state or tribe for more information about their training and certification requirements. Links to these state programs are available [here](#). Note that if you work in more than one state, you may need both EPA federal and state certifications.

## Question (23002-37004)

Who is the attesting individual?

## Answer

The attesting individual is the individual completing the application, who affirms that their firm will only use certified people and appropriate work practice standards as required under 40 CFR 745.227 when conducting lead-based paint activities.

## Question (23002-37005)

How can I find the **status** of my Firm application?

## Answer

You will receive an email from [lead.paint@epa.gov](mailto:lead.paint@epa.gov) when your application is approved. The email will include PDF copies of your approval letter and certificate. Renovation firms will also receive a customized logo and guidelines for its use in the approval email. Applications are typically processed in 2 to 3 weeks. You will be contacted if an issue arises in the processing of your application.

Firms can check the status of their certification application, download a copy of a recently issued certificate, or retrieve their customized Lead program logo online on EPA's E-Enterprise portal. To access this service, go to EPA's [E-Enterprise portal](#), select "Exchange Network", then login using your CDX user ID and password. Once logged in go to the "Progress Tracker" section for your firm information.

### **Question (23002-37006)**

It's been several weeks since I applied for Firm certification and I haven't received my certificate yet. What do I do?

### **Answer**

Approvals are sent by email, and occasionally these messages are end up in your junk or spam email folder. Check in your Junk or Spam folders for an email from [lead.paint@epa.gov](mailto:lead.paint@epa.gov).

Firms can check the status of their certification application, download a copy of a recently issued certificate, or retrieve their customized Lead program logo online on EPA's E-Enterprise portal. To access this service, go to EPA's [E-Enterprise portal](#), select "Exchange Network", then login using your CDX user ID and password. Once logged in go to the "Progress Tracker" section for your firm information.

### **Question (23002-37007)**

What if I accidentally submitted my application for the wrong certification? (i.e., I requested Firm RRP certification instead of Abatement certification)

### **Answer**

Contact the CDX Help Desk at 1-888-890-1995 (870-494-5500 for international callers) or [helpdesk@epacdx.net](mailto:helpdesk@epacdx.net) for assistance.

### **Question (23002-37008)**

Can everyone at my firm use the same CDX account?

### **Answer**

No. A CDX account can only be registered to one person, and cannot be shared or transferred. Misuse of credentials for a government system is a federal offense.

### **Question (23002-37009)**

How do I become certified as an Individual in the Lead Abatement program?

### **Answer**

EPA's Abatement program applies to all states, tribes and territories where EPA has not specifically provided authorization for that state, tribe or territory to operate the program themselves.

EPA only administers the abatement program in the following states, tribes and territories: **Alaska, Arizona, Florida, Idaho, Montana, Nevada, New Mexico, New York, South Carolina, South Dakota, Wyoming, American Samoa, Guam,** and the **Northern Marianas**. EPA also administers the program in all **Tribal Lands** with the exception of Cherokee Nation, Lower Sioux Nation, Upper Sioux Community, and Bois Forte Band. Individuals working in these areas that are seeking a Lead Abatement Certification or Recertification must submit applications online by following <https://www.epa.gov/lead/lead-based-paint-abatement-and-evaluation-program-individual-certification> and proceeding to Central Data Exchange (CDX), EPA's electronic reporting system, from there.

Individuals working in any states, territories or tribes not listed in the previous paragraph should contact the respective state or tribe for more information about their training and certification requirements. Links to these state programs are available [here](#). Note that if you work in more than one state, you may need both EPA federal and state certifications.

### **Question (23002-37010)**

How do I become accredited as a Training Provider?

### **Answer**

Trainers seeking accreditation in an EPA administered state must submit their applications and fees online through EPA's CDX system, the EPA's electronic reporting system: <https://cdx.epa.gov>. If you have not previously created a CDX account, click "Register with CDX", accept the terms, choose "LEAD: Lead-Based Paint Program", and select "Training Provider Application". Complete the application as necessary – it will gather your program's information and allow you to pay the appropriate fees securely. A confirmation email will be sent to your inbox when an application is completed.

Trainers seeking accreditation in states, states tribes and territories not administered by EPA should contact the respective state or tribe for more information about their training and certification requirements. Note that if you work in more than one state, you may need both EPA federal and state certifications.

The following links provide more information about applying for accreditation as an abatement or renovation trainer. They also include links to states, tribes, and territories authorized by EPA to run their own programs.

- [For information on becoming an accredited abatement training provider.](#)
- [For information on becoming an accredited renovation training provider.](#)

### **Question (23002-37011)**

How can I find the status of my Individual application?

#### **Answer**

For applications that do not require a third-party exam you will receive an approval package by email when your application is approved. Please note that processing times may vary, but generally take between 2 to 3 weeks. You will be contacted if an issue arises in the processing of your application. Approval packages are emailed from [lead.paint@epa.gov](mailto:lead.paint@epa.gov). To help ensure receipt of email correspondence, we recommend you add the [lead.paint@epa.gov](mailto:lead.paint@epa.gov) email address to your contacts to ensure it arrives in your inbox rather than a SPAM folder.

For applications requiring a third-party exam, you will receive testing information at the end of your online application process (this is also available in your CDX inbox). The fee for your first exam attempt was included in your application fee, a \$70 fee is required for each additional exam attempt needed. Once you passed the third-party exam you will receive an approval package by mail when your application is approved. Please note that processing times may vary, but generally take 2 to 3 weeks. You will be contacted if an issue arises in the processing of your application.

### **Question (23002-37012)**

How can I find the status of my Training Provider application?

#### **Answer**

Training provider applications are reviewed by staff in your EPA regional office. Should you have questions regarding your application here's a link with [contact information for each region](#).

### **Question (23002-37013)**

How do I verify that the fees I am being asked to pay are correct?

#### **Answer**

Click the link that applies to your application type:

- [Firm](#)
- [Individual](#)
- [Training Provider](#)

If you still have questions, call the National Lead Information Center at 1-800-424-LEAD.

### **Question (23002-37014)**

I clicked the "Submit" button to submit my application and nothing happened, or I received an error message. What do I do?

#### **Answer**

Please contact the CDX Help Desk at 1-888-890-1995 (870-494-5500 for international callers) or [helpdesk@epacdx.net](mailto:helpdesk@epacdx.net) for assistance.

### **Question (23002-37015)**

How do I cancel a payment charged to my credit/debit card?

### **Answer**

To request a refund for application fees, or for any concerns regarding online payments, contact the CDX Help Desk at 1-888-890-1995 (870-494-5500 for international callers) or [helpdesk@epacdx.net](mailto:helpdesk@epacdx.net) for assistance.

### **Question (23002-37016)**

How do I know that my transaction will be secure?

### **Answer**

Online transactions are managed by the U.S. Department of Treasury. For more information regarding the security controls in place to protect your transactions, please visit <https://pay.gov/agency/overview/html>.

### **Question (23002-37017)**

What is an ACH debit transaction?

### **Answer**

An ACH debit transaction is a debit directly from a personal savings, personal checking, or business checking account. In some instances, business checking accounts may not permit ACH transactions. In order to conduct an ACH transaction, you will need to provide your bank's routing number and your account information. In most instances, you can enter paper checks as ACH transactions by providing the Check Number on the application. If you have additional questions, please call 1-800-424-LEAD.

### **Question (23002-37018)**

I am an accredited Training Provider. How do I submit my course schedule and student information?

### **Answer**

Please access the Training Provider Dashboard on the [MyCDX homepage](#) to submit your course schedule and student information. If you have an existing accreditation number but do not have an account to access the Dashboard, contact the CDX Help Desk at 1-888-890-1995 (870-494-5500 for international callers) or [helpdesk@epacdx.net](mailto:helpdesk@epacdx.net).

### **Question (23002-37019)**

What do I do if I need to mail a paper Electronic Signature Agreement (ESA) due to Identity Proofing failure or opting out of the online process?

### **Answer**

A paper Electronic Signature Agreement will be sent to the email address provided on your application. A copy of this form can also be found in your CDX Inbox. Print this form, sign it, and mail it to:

EPA Lead Data Processing Center c/o CGI Federal  
12601 Fair Lakes Circle  
Fairfax, VA 22033  
EPA Lead Data Processing Center  
Staffed by CGI Federal

### **Question (23002-37020)**

Do I need a new CDX account if I am associated with more than one organization?

### **Answer**

No. You can submit on behalf of multiple organizations through the same account by selecting or adding the appropriate organization within the application. You must submit a separate application for each organization.

### **Question (23002-37021)**

How do I submit an abatement notification?

#### **Answer**

Submit abatement notifications through CDX using the "Abatement Notifications" link on the MyCDX homepage. If you do not have a CDX account with access to this link, contact the CDX Helpdesk at 1-888-890-1995 (870-494-5500 for international callers) or [helpdesk@epacdx.net](mailto:helpdesk@epacdx.net) for assistance.

### **Question (23002-37022)**

What if I never receive a confirmation email after I complete and submit my application?

#### **Answer**

Check your junk or spam email folder for a message from [lead.paint@epa.gov](mailto:lead.paint@epa.gov). Any important documents that may have been transmitted in the email, such as your exam letter if you are required to take an exam, can also be found in your CDX Inbox.

We recommend that you adjust your email settings to receive emails from the EPA sender [lead.paint@epa.gov](mailto:lead.paint@epa.gov) to prevent future transmissions from being blocked.

## **Lead-Based Paint Program Fees**

### **Question (23002-33298)**

Where can I get more information on the Fee Rule for Lead Abatement and Lead Renovation, Repair and Painting (RRP) Programs?

#### **Answer**

You can find fee rule information online here-- <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules#fee>. You can also contact the National Lead Information Center at 1-800-424-LEAD.

### **Question (23002-33296)**

What is EPA's rule to: (1) lower fees for the Lead-Based Paint Activities Programs (for abatement, i.e., total removal) and (2) set fees for the 2008 Lead Renovation, Repair and Painting (RRP) Program?

#### **Answer**

In March 2009, EPA issued a rule to address fees for its lead-based paint programs. The rule addresses two areas: first, it modifies and lowers the existing fees for EPA's Lead-based Paint Activities regulations that govern lead abatement, inspection and risk assessment activities; second, it establishes fees to cover costs of administering the 2008 Lead Renovation, Repair and Painting (RRP) rule.

### **Question (23002-33302)**

Is anyone exempt from paying fees under the Fee Rule for Abatement and RRP Programs ?

#### **Answer**

Yes. TSCA section 402(a)(3) exempts state, local government, and non-profit training programs from federal accreditation fees. However, it does not provide an exemption for the certification fees of firms or individuals.

### **Question (23002-33299)**

Why did some of the fees for lead-based paint activities drop significantly while others changed only slightly?

#### **Answer**

The fees in the rule reflect the cost to the Agency of accreditations and certifications. EPA developed the original fees before it had experience administering a lead-based paint accreditation and certification program. That is no longer the case. The Agency used almost a decade of information to develop the revised fees.

### **Question (23002-33306)**

Who is affected by the Fee Rule for Lead Abatement and Renovation, Repair and Painting Programs?

### **Answer**

This rule establishes fees that will be charged for training programs seeking accreditation, for firms engaged in renovations seeking certification, and for individuals (for example, risk assessors) or firms engaged in lead-based paint activities that govern lead abatement, inspection and risk assessment activities.

### **Question (23002-33304)**

Why does EPA charge fees for accreditations and certifications?

### **Answer**

As specified in the Toxic Substances Control Act (TSCA), EPA must establish and implement a fee schedule to recover to the U.S. Treasury the Agency's costs of administering and enforcing the standards and requirements applicable to lead-based paint training programs and contractors.

### **Question (23002-33300)**

Why have the fees for Lead-based Paint Activities program decreased since they were first implemented in 1999?

### **Answer**

Since 1999, EPA has made substantial changes in the way it administers its accreditation and certification program. The transition to the automated federal Lead-based Paint Program (FLPP) database and the associated centralized data processing has resulted in lower overall costs of the program.

### **Question (23002-33305)**

Does the Fee Rule for Abatement and RRP Programs apply nationwide?

### **Answer**

The rule applies only in those states and tribes without their own authorized lead programs. Currently, EPA implements the Lead-based Paint Activities program in 11 states and the Lead Renovation, Repair, and Painting Rule in 36 states.

### **Question (23002-33303)**

What costs does EPA incur that must be recovered by the fees under the Fee Rule for Abatement and RRP Programs?

### **Answer**

The fees recover EPA's costs for processing applications, enforcing program requirements, and administrative activities such as maintenance of the central database and administering certification examinations.

## **EPA/HUD Real Estate Notification & Disclosure Rule**

### **Question (23002-33215)**

Am I required to give the EPA pamphlet "Protect Your Family From Lead in Your Home" to existing tenants?

### **Answer**

No, but when tenants renew their leases, you must give them the pamphlet and any available reports. In other words, you must give them the same information that you are required to provide new tenants.

### **Question (23002-33207)**

What type of housing is affected by the EPA and HUD Real Estate Notification and Disclosure Rule?

**Answer**

The EPA and HUD Real Estate Notification and Disclosure Rule applies to all housing defined as "target housing," which includes most private housing, public housing, housing receiving federal assistance, and federally owned housing built before 1978.

**Question (23002-33206)**

What is the purpose of the EPA and HUD Real Estate Notification and Disclosure Rule and who is affected?

**Answer**

To protect the public from exposure to lead from paint, dust, and soil, Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X. Section 1018 of this law directed HUD and EPA to require disclosure of information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978. The rule would ensure that purchasers and renters of housing built before 1978 receive the information necessary to protect themselves and their families from lead-based paint hazards.

**Question (23002-33229)**

Are mortgage lenders liable under these rules if the seller or lessor fails to disclose?

**Answer**

Under the disclosure regulation, the rule does not identify mortgage lenders as liable parties. This rule does not affect other state and federal provisions regarding the obligations and responsibilities of lenders.

**Question (23002-33341)**

What is target housing?

**Answer**

Target housing is defined in the Toxic Substances Control Act (TSCA) as any housing constructed before 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling. However, target housing does include pre-1978 housing for the elderly or persons with disabilities or any 0-bedroom dwelling, if any child under age six resides or is expected to reside in such housing.

**Question (23002-33219)**

What if I know there is lead-based paint in my home?

**Answer**

If you know there is lead-based paint in your home, you are required to disclose this information to the buyer or renter along with any other available reports on lead.

**Question (23002-33226)**

Where can I find a qualified professional to conduct an inspection?

**Answer**

State agencies can provide helpful information for locating qualified professionals in your area. The EPA pamphlet "Protect Your Family From Lead in Your Home", at: <https://www.epa.gov/lead/protect-your-family-lead-your-home> provides the phone numbers of these state agencies. It is important to verify the qualifications of individuals and firms before hiring them.

**Question (23002-33230)**

What if a seller or lessor fails to comply with these regulations?

**Answer**



A seller, lessor, or agent who fails to give the proper information can be sued for triple the amount of damages. In addition, they may be subject to civil and criminal penalties. Ensuring that disclosure information is given to home buyers and tenants helps all parties avoid misunderstandings before, during, and after sales and leasing agreements.

### **Question (23002-33208)**

What type of housing is not affected by the EPA and HUD Real Estate Notification and Disclosure Rule?

#### **Answer**

Housing that is not affected by the EPA and HUD Real Estate Notification and Disclosure Rule includes: 0-bedroom dwellings, such as lofts, efficiencies, and studios; Leases of dwelling units of 100 days or fewer, such as vacation homes or short-term rentals; Designated housing for the elderly and the handicapped unless children reside or are expected to reside there; and Rental housing that has been inspected by a certified inspector and is found to be free of lead-based paint.

### **Question (23002-33218)**

Is the seller required to remove any lead-based paint that is discovered during an inspection?

#### **Answer**

No. Nothing in the rule requires a building owner to remove lead-based paint or lead-based paint hazards discovered during an inspection or risk assessment. In addition, the rule does not prevent the two parties from negotiating hazard reduction activities as a contingency of the purchase and sale of the housing.

### **Question (23002-33214)**

What if I'm renting target housing?

#### **Answer**

Property owners who rent out target housing must: Disclose all known lead-based paint and lead-based paint hazards in the home and any available reports on lead in the housing; Give renters the EPA pamphlet "Protect Your Family From Lead in Your Home"; Include certain warning language in the lease as well as signed statements from all parties verifying that all requirements were completed; and Retain signed acknowledgments for three years, as proof of compliance.

### **Question (23002-33221)**

As an agent what are my responsibilities?

#### **Answer**

Agents must ensure that: Sellers and landlords are made aware of their obligations under this rule; Sellers and landlords disclose the proper information to lessors, buyers, and tenants; Sellers give purchasers the opportunity to conduct an inspection; and Lease and sales contracts contain the appropriate notification and disclosure language and proper signatures.

### **Question (23002-33225)**

If I am renting, do I have the same opportunity to test for lead?

#### **Answer**

Under the law, the 10-day inspection period is limited to sales transactions, but nothing prevents the renter from negotiating with the lessor to allow time for an inspection before rental.

### **Question (23002-33217)**

Must I check my house for lead prior to sale?

#### **Answer**

No. The rule does not require that a seller conduct or finance an inspection or risk assessment. The seller, however, is required to provide the buyer a 10-day period to test for lead-based paint or lead-based paint hazards.

### **Question (23002-33222)**

What is the responsibility of an agent if the seller or landlord fails to comply with the EPA and HUD Real Estate Notification and Disclosure Rule?

**Answer**

The agent is responsible for informing the seller or lessor of his or her obligations under the EPA and HUD Real Estate Notification and Disclosure Rule. In addition, the agent is responsible if the seller or lessor fails to comply. However, an agent is not responsible for information withheld by the seller or lessor.

**Question (23002-33213)**

As a seller and lessor, what if I'm selling target housing?

**Answer**

Property owners who sell target housing must:

- Disclose all known lead-based paint and lead-based paint hazards in the housing and any available reports on lead in the housing;
- Give buyers the EPA pamphlet "Protect Your Family from Lead in Your Home";
- Include certain warning language in the contract as well as signed statements from all parties verifying that all requirements were completed;
- Retain signed acknowledgments for three years, as proof of compliance; and
- Give buyers a 10-day opportunity to test the housing for lead.

**Question (23002-33220)**

What if the lessor knows that there is no lead-based paint in my rental housing?

**Answer**

If your rental housing has been found to be free of lead-based paint by a certified inspector, the Real Estate Notification and Disclosure Rule does not apply.

**Question (23002-33224)**

Can the inspection/risk assessment period for testing a house for lead be waived?

**Answer**

Yes. The inspection or risk assessment period can be lengthened, shortened, or waived by mutual written consent between the purchaser and the seller.

**Question (23002-33223)**

As a purchaser, am I required to conduct and finance an inspection?

**Answer**

No. The EPA and HUD Real Estate Notification and Disclosure Rule simply ensures that you have the opportunity to test for lead before purchase.

**Question (23002-33228)**

Does this rule increase my liability for future lead poisoning on my property?

**Answer**

In some cases, disclosure may actually reduce the owner's liability since occupants may be able to prevent exposure from the beginning. Under the Real Estate Notification and Disclosure rule, however, sellers, landlords, or agents who fail to provide the required notices and information are liable for triple the amount of damages. 42 U.S.C. 4852d(b)(3).

**Question (23002-33212)**

Is my home unsafe if it contains lead-based paint?

**Answer**

Approximately three-quarters of the nation's housing built before 1978 contains some lead-based paint. This paint, if properly managed and maintained, poses little risk. If allowed to deteriorate, lead from paint can threaten the health of occupants, especially children under six years old. If families and building owners are aware of the presence of lead-based paint and the proper actions to take, most lead-based paint hazards can be managed. The EPA pamphlet "[Protect Your Family From Lead in Your Home](#)" provides important information for families and home owners to help them identify when lead-based paint is likely to be a hazard and how to get their home checked.

### **Question (23002-33209)**

How does the EPA and HUD Real Estate Notification and Disclosure Rule apply to housing common areas such as stairwells, lobbies, and laundry rooms?

### **Answer**

Common areas are those areas in multifamily housing structures that are used or are accessible to all occupants. The EPA and HUD Real Estate Notification and Disclosure Rule requires that sellers and lessors disclose available lead information about common areas so that families can be informed about preventive actions.

### **Question (23002-33227)**

Must lead-based paint inspectors be certified?

### **Answer**

Yes, lead-based paint inspectors must be certified by EPA or the EPA authorized program in the jurisdiction(s) in which they provide lead-based paint inspection services

### **Question (23002-33216)**

What if the buyers/renters don't speak English?

### **Answer**

In cases where the buyer or renter signed a purchase or lease agreement in a language other than English, the rule requires that the disclosure language be provided in the alternate language. "Protect Your Family From Lead In Your Home" (PDF) in English, is at: <https://www.epa.gov/lead/protect-your-family-lead-your-home> "Protect Your Family From Lead In Your Home" is also available in Spanish at: <http://www.epa.gov/lead/proteja-su-familia-contr-a-el-plomo-en-el-hogar>, Vietnamese at: <http://www.epa.gov/lead/protect-your-family-lead-your-home-vietnamese>, Russian at: <http://www.epa.gov/lead/protect-your-family-lead-your-home-russian>, Arabic at: <http://www.epa.gov/lead/protect-your-family-lead-your-home-arabic-language-version>, and Somali at: <http://www.epa.gov/lead/ka-badbaa-di-qoyska-halista-leedhka>.

### **Question (23002-33210)**

Why doesn't the EPA and HUD Real Estate Notification and Disclosure Rule affect housing built after 1978?

### **Answer**

Congress did not extend the law to housing built after 1978 because the Consumer Product Safety Commission banned the use of lead-based paint in housing in 1978.

## **Lead in Products**

### **Question (23002-33252)**

Is there lead in lipstick?

### **Answer**

In response to a number of inquiries regarding reports of lead contamination in lipstick, the U.S. Food and Drug Administration (FDA) developed and validated a method for analyzing lead content in currently marketed lipstick. Learn more at: <http://www.fda.gov/Cosmetics/ProductsIngredients/Products/ucm137224.htm>

# Lead in Drinking Water

## Question (23002-32407)

Why do water systems add phosphate to drinking water? What are the health effects of drinking water containing phosphates?

### Answer

Public water systems (PWSs) commonly add phosphates to drinking water to prevent the release of metals in drinking water. Orthophosphate is most commonly used for lead and copper control. Polyphosphates sequester iron and manganese to prevent discolored water but are not effective to control lead and copper. Blended phosphates are a mix of orthophosphate and polyphosphate, which can potentially provide both sequestration and corrosion control.

Orthophosphate is available as phosphoric acid, in salt form (potassium or sodium), and as zinc orthophosphate. Orthophosphate reacts with lead and copper to form compounds that have a strong tendency to stay in solid form and not dissolve into water. The extent to which orthophosphate can control lead and copper release depends on the orthophosphate concentration, pH, DIC, and the characteristics of the existing corrosion scale (e.g., whether it contains other metals such as iron or aluminum).

## Question (23002-32378)

Does boiling water remove lead?

### Answer

No, boiling water does not remove lead.

## Question (23002-32382)

Can I get my water tested for lead?

### Answer

Homes may have internal plumbing materials containing lead. Since you cannot see, taste, or smell lead dissolved in water, testing is the only sure way of telling whether there are harmful quantities of lead in your drinking water. A list of certified laboratories are available from your state or local drinking water authority or on EPA's website at: <https://www.epa.gov/dwlabcert/contact-information-certification-programs-and-certified-laboratories-drinking-water>. Also, contact your water supplier as they may have useful information, including whether the service connector used in your home or area is made of lead.

You can learn more on our website: <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>. You can also view and print a [fact sheet on testing your home's drinking water](#).

## Question (23002-32377)

Is exposure to lead contaminated drinking water from absorption through skin a health threat?

### Answer

Human skin does not absorb lead in water. For more information visit [our](#) website: <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>

## Question (23002-32381)

Will my filter remove lead?

### Answer

Some filters can remove lead from drinking water. If you use a filter, be sure to get one that is tested and certified by an independent third party. Be sure to read the manufacturer's directions to learn how to properly install and use your filter and when to replace it. Using a filter after it has expired can make it less effective at removing lead. Do not run hot water through the filter. For more information on how to identify filters certified to reduce lead, please see our factsheet here: <https://www.epa.gov/water-research/consumer-tool-identifying-pou-drinking-water-filters-certified-reduce-lead>.

## Question (23002-32376)

How can lead get into my drinking water?

### Answer

Lead can enter drinking water when plumbing materials that contain lead corrode, especially where the water has high acidity or low mineral content that corrodes pipes and fixtures. The most common sources of lead in drinking water are lead pipes, faucets, and fixtures. In homes with lead pipes that connect the home to the water main, also known as lead service lines, these pipes are typically the most significant source of lead in the water. Lead pipes are more likely to be found in older cities and homes built before 1986. Among homes without lead service lines, the most common problem is with brass or chrome-plated brass faucets and plumbing with lead solder.

Information about actions you can take to reduce lead in drinking water is available at <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water#reducehome>.

## Question (23002-32393)

How does the Safe Drinking Water Act limit lead in pipes, plumbing fittings, fixtures, faucets, solder and flux?

### Answer

Section 1417 of the Safe Drinking Water Act (SDWA) establishes the definition for “lead free” as a weighted average of 0.25% lead calculated across the wetted surfaces of a pipe, pipe fitting, plumbing fitting, and fixture and 0.2% lead for solder and flux. The Act also provides a methodology for calculating the weighted average of wetted surfaces.

The Act prohibits the “use of any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 1986, in the installation or repair of (i) any public water system; or (ii) any plumbing in a residential or non-residential facility providing water for human consumption, that is not lead free.”

Additionally, there is a prohibition on introducing a pipe, any pipe or plumbing fitting or fixture, any solder, or any flux that is not lead free into commerce, unless the use is for manufacturing or industrial purposes.

The SDWA includes several exemptions from the lead-free requirements, specifically for plumbing devices that are used exclusively for non-potable services, as well as a list of specific products: toilets, bidets, urinals, fill valves, flushometer valves, fire hydrants, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger. For more information, please visit our website at <https://www.epa.gov/sdwa/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water>.

## Question (23002-32388)

How can I tell if my water contains lead?

### Answer

To determine if your water has lead, have your water tested. Please see the answer to Question (23002-32382) for more information on testing. Since you cannot see, taste, or smell lead dissolved in water, testing is the only sure way of telling whether lead is present in your drinking water. Consider testing particularly if your home has lead pipes (lead is a dull gray metal that is soft enough to be easily scratched with a house key). For more information on how to identify plumbing materials, EPA has developed the Protect-Your-Tap: A Quick Check for Lead online step-by-step guide to help people identify lead pipes in their homes: <https://www.epa.gov/ground-water-and-drinking-water/protect-your-tap-quick-check-lead>.

## Question (23002-32403)

What do you mean when you say the action level has been exceeded for a drinking water system?

### Answer

The lead action level is a measure of the effectiveness of the corrosion control treatment in water systems. The action level is not a standard for establishing a safe level of lead in a home. To check if corrosion control is working, EPA requires water systems to test for lead at the tap in certain homes, including those with lead service lines. Systems compare sample results from homes to EPA’s action level of 0.015 mg/L (15 ppb). If 10 percent of the samples from these homes have water concentrations that are greater than the action level, then the system must perform actions such as public education and lead service line replacement.

**Question (23002-32395)**

Can one still sell lead solder under the Lead Ban?

**Answer**

Section 1417(a)(3) of the Safe Drinking Water Act (SDWA) prohibits the sale of solder and flux that is not lead-free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

**Question (23002-32402)**

Is there a guidance document that outlines sampling techniques for testing lead in public drinking water systems?

**Answer**

Sampling techniques for testing lead in drinking water are outlined in EPA's approved methods for compliance monitoring of lead in drinking water. In addition, EPA has several guidance documents associated with Lead and Copper Rule water quality and tap monitoring on our website here: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools#WQ>. This guidance does not contain the sampling protocol revisions that were introduced in the Lead and Copper Rule Revisions nor any potential revisions that may occur under the Lead and Copper Rule Improvements.

**Question (23002-32375)**

Should I be worried about lead contamination from the plumbing in a newly built home?

**Answer**

Plumbing in newer homes, especially those constructed after their state adopted the 1986 SDWA lead ban, should have plumbing materials that contain lower levels of lead than homes constructed prior to that date. EPA has provided a table with dates by which each state adopted the 1986 SDWA lead ban as an appendix to our Guidance for Developing and Maintaining a Service Line Inventory, which can be downloaded here: <https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule>.

**Question (23002-32387)**

Is there anything else I can do beyond flushing my tap or buying bottled water?

**Answer**

Yes, find "Important Steps You Can Take to Reduce Lead in Drinking Water" if you are concerned about lead in their drinking water. The list is not intended to be exhaustive or to imply that all actions equally reduce lead from drinking water. EPA recommends you also contact your local water system and health department: <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water#reducehome>.

**Question (23002-32401)**

Are non-transient, non-community water systems (NTNCWSs) required to monitor for lead and copper?

**Answer**

All community water systems (CWSs) and NTNCWSs must collect lead and copper tap samples. The frequency of the monitoring and number of samples to be collected and analyzed is based primarily on the number of people served and tap water monitoring results. For an outline of monitoring requirements (e.g., number of samples) consult the Revised Lead and Copper Monitoring and Reporting Guidance for Public Water Systems, located here: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools#WQ>.

**Question (23002-32386)**

What is the water system doing about lead in drinking water?

**Answer**

In accordance with the Lead and Copper Rule, your water system is required to test water collected from a number of households in your community for levels of lead and copper. Depending upon the number of people served by your water system and the levels of lead and copper found in sampling, your water system may also be required to install corrosion control treatment. Corrosion control treatment means systems must make drinking water less corrosive to the materials it

comes into contact with on its way to consumer's taps. Public education for lead is also triggered when tap samples exceed the lead action level of 15 µg/l. If corrosion control treatment is not effective at reducing lead levels, your water system may be required to replace lead service lines, if present, that connect some households in your community to water mains.

### **Question (23002-32408)**

I am looking at a water report for my public water system. Under the contaminant heading for lead and copper there is a column heading titled 90th percentile. What does this column mean?

### **Answer**

The Consumer Confidence Report must include the 90th percentile concentration of the most recent round(s) of sampling for lead and copper. If the "90th percentile" level is above the action level, this is called an action level exceedance. The action level is the concentration of a contaminant which, if exceeded, triggers treatment actions or other requirements which a water system must follow. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples is greater than 0.015 mg/L (i.e., if the "90th percentile" lead level is greater than 0.015 mg/L). The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples is greater than 1.3 mg/L (i.e., if the "90th percentile" copper level is greater than 1.3 mg/L) (40 CFR Section 141.80(c)).

### **Question (23002-32406)**

What home treatment devices are used to control lead in drinking water?

### **Answer**

EPA has developed a consumer tool to identify point-of-use drinking water filters certified to reduce lead at: <https://www.epa.gov/water-research/consumer-tool-identifying-pou-drinking-water-filters-certified-reduce-lead>.

### **Question (23002-32390)**

Is my water system required to provide me with the results when they test for lead?

### **Answer**

Yes. Water systems must provide a water quality report (often referred to as consumer confidence report) every year to their consumers. This report must include the 90th percentile concentration of the most recent round(s) of sampling performed by the water system for lead and copper among households sampled by the system. The report must also include the number of sampling program, then sites exceeding the action level, the range of tap sampling results, and information on how to access the results of all tap sampling. If your home is tested as part of your system's lead tap water monitoring program, then the system is required to provide you with a notice of the results. If the samples do not exceed 0.015 mg/L of lead, the system must provide the results within 30 days of receiving them from the laboratory. If the samples exceed 0.015 mg/L of lead, the system must provide the results within 3 days.

### **Question (23002-32409)**

Where can I get more information on lead in drinking water?

### **Answer**

For more information, visit <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water> or contact us online at <https://www.epa.gov/ground-water-and-drinking-water/forms/online-form-epas-office-ground-water-and-drinking-water>. You may also contact by email at [safewater@epa.gov](mailto:safewater@epa.gov). Your state or local public health department will also be able to provide information about lead.

### **Question (23002-32383)**

My neighbors got their water tested and found lead. Is my water safe?

### **Answer**

Lead usually gets into drinking water through contact with plumbing materials such as lead pipes or lead solder, or faucets, valves, and fixtures made of brass (brass contains some lead). Since each home has different plumbing pipes and materials, test results are likely to be different for each home.

### **Question (23002-32385)**

The drinking water I receive from a public water system has an unfamiliar odor and a slight discoloration. I am concerned that this is an indication of lead in my drinking water. What can I do to determine if lead is in my drinking water?

### **Answer**

You cannot see, taste, or smell lead in drinking water. To determine if lead is in your drinking water, contact your local water supplier and ask for a copy of your Consumer Confidence Report. This report lists the levels of contaminants that have been detected in the water, including lead, and whether the system meets state and EPA drinking water standards. The most recent Consumer Confidence Report can be obtained from your drinking water utility, by visiting their website or contacting them for a copy. Some public water systems upload their Consumer Confidence Report to EPA's website at: <http://www.epa.gov/ccr>. Alternatively, you can contact a state certified laboratory to have your drinking water tested for lead. Contact your state certification officer to get a list of certified laboratories in your state or to find state certification visit the EPA's website at <https://www.epa.gov/dwlabcert>.

### **Question (23002-32380)**

Why can't I use hot water from the tap for drinking, cooking, or making baby formula?

### **Answer**

Hot water dissolves lead more quickly than cold water and is therefore more likely to contain greater amounts of lead. Never use water from the hot water tap for drinking, cooking, or making baby formula.

### **Question (23002-32405)**

A water system is on reduced monitoring for lead and copper. If this system adds new or revised treatment, must the system resume lead and copper sampling as a new system?

### **Answer**

The state may require a system to resume sampling and collect the number of samples specified for standard monitoring or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment (40 CFR 141.86(d)(4)(vii)).

### **Question (23002-32404)**

What are the public education requirements for non-transient, non-community water systems (NTNCWSs) that have exceeded the lead action level?

### **Answer**

When there is a lead action level exceedance, non-transient, non-community water systems (NTNCWSs) must post informational posters on lead in drinking water in public places or common areas in buildings they serve. NTNCWSs must also distribute informational pamphlets and/or brochures on lead in drinking water to each person they serve. These materials must include information on the health effects of lead, sources of lead, steps consumers can take to reduce exposure to lead in drinking water, why there are elevated levels of lead in the system's drinking water and what the system is doing to reduce lead levels, who to contact for more information, and information on lead service lines if the system has any. NTNCWSs must carry out these public education requirements within 60 days after the end of the tap sampling period in which the exceedance occurred. NTNCWSs that exceed the action level must conduct public education in accordance with the requirements in 40 CFR 141.85.

## **Lead at Superfund Sites**

### **Question (23002-33313)**

What is the potential danger posed by historical lead smelting sites?

### **Answer**

The potential danger posed by historical lead smelting sites varies by site and depends upon whether a completed exposure pathway to the contaminant exists. For example, if site surfaces are redeveloped and, as a result, covered, there is no direct contact. Therefore, without such exposure, there is no current human health risk. If direct contact is occurring, the potential depends upon a number of factors such as the frequency of exposure and who is exposed, e.g.,



child, pregnant woman, etc. For more information on lead at super fund sites visit <https://www.epa.gov/superfund/lead-superfund-sites>.

### **Question (23002-33311)**

What can I do to protect my family from lead contamination that was found in my neighborhood?

### **Answer**

If environmental exposure to lead is suspected, you should contact your local or state environmental office to determine if there are known or suspected sources of lead in the area. If there are known or suspected sources of lead, the Centers for Disease Control and Prevention (CDC) at: <https://www.cdc.gov/nceh/lead/tips.htm> offers the following recommendations for reducing exposure to lead.

- Talk to your state or local health department about testing paint and dust from your home for lead.
- Make sure your child does not have access to peeling paint or chewable surfaces painted with lead-based paint.
- Pregnant women and children should not be present in housing built before 1978 that is undergoing renovation. They should not participate in activities that disturb old paint or in cleaning up paint debris after work is completed.
- Create barriers between living/play areas and lead sources. Until environmental cleanup is completed, parents should clean and isolate all sources of lead. They should close and lock doors to keep children away from chipping or peeling paint on walls. Temporary barriers, such as contact paper or duct tape, can be applied to cover holes in walls or to block children's access to other sources of lead.
- Regularly wash children's hands and toys. Hands and toys can become contaminated from household dust or exterior soil. Both are known lead sources.
- Regularly wet-mop floors and wet-wipe window components. Because household dust is a major source of lead, parents should wet-mop floors and wet-wipe horizontal surfaces every 2-3 weeks. Windowsills and wells can also contain high levels of leaded dust. They should be kept clean. If feasible, windows should be shut to prevent abrasion of painted surfaces or opened from the top sash.
- Prevent children from playing in bare soil; if possible, provide them with sandboxes. Parents should plant grass on areas of bare soil or cover the soil with grass seed, mulch, or wood chips, if possible. Until the bare soil is covered, parents should move play areas away from bare soil and away from the sides of the house. EPA also recommends that children eat nutritious foods as specified in that National Dietary Guidelines because children with good diets absorb less lead.

### **Question (23002-33312)**

How do I contact EPA about lead concerns in my area?

### **Answer**

You may call the National Lead Information Center at 1-800-424-LEAD(5323) or visit our "Contact Us about Lead" page at <https://www.epa.gov/lead/forms/contact-us-about-lead>. You can also report violations online at <https://www.epa.gov/lead/report-lead-based-paint-complaints-tips-and-violations>.