



## Lead: Renovation, Repair & Painting Program

### Frequently Asked Questions

**Q:** In what cases do the rules apply to commercial buildings? For example, in an office, store, restaurant or club, there may be female employees who may or may not be pregnant. There may also be young patrons coming in and out.

**A:** Pregnant women are not a factor. The only commercial establishments that the rule applies to are child-occupied facilities. Child-occupied facility defined: 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, 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 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 that are routinely used by children under age 6.

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

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**Q:** If we're working in a home that was built before 1978, but we're working in a post-1978 addition (or a room or basement which was remodeled after 1978), does the rule apply?

**A:** Yes – the rule applies. The contractor will test the surface and if they can show that the paint is non-Pb, they can therefore exclude it from the rule after testing.

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**Q:** When is it really necessary to be certified and to provide homeowners with information on lead paint?

**A:** April 22, 2010. The rule is in effect. Training, certification, and work practice requirements:

- Firms are required to be certified, their employees must be trained in use of lead-safe work practices, and lead-safe work practices that minimize occupants' exposure to lead hazards must be followed.
- Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling and maintenance activities, including window replacement.

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**Q:** My company is primarily an integration and installation company, and we always take great pains not to disturb drywall if at all possible. In fact, normal living room installations generally disturb less than 1 square foot of drywall with on-wall speakers. Even if we're installing in-wall or in-ceiling speakers, it's very hard for us to get to 6 square feet unless we're putting in very large speakers.

**A:** 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. BUT if a hammer is used to make a hole that is two feet on each side in a wall, the RRP Rule applies. 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.

A job is considered minor repair and maintenance, rather than a renovation covered by the RRP Rule, if it disrupts 6 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.

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### Frequently Asked Questions, *continued*

**Q:** When we handle larger jobs requiring demolition and construction, we always bring in a separate contractor to handle that. What's our responsibility on a job where there is another contractor handling all of the drywall work?

**A:** 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 work site. 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 Renovation, Repair, and Painting rule, the firm that hired the subcontractor is also responsible for the violation.

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**Q:** My firm acts as a general contractor - we subcontract the entire renovation job to other companies rather than using our own employees. Under the Renovation, Repair, and Painting (RRP) Rule, does my firm need to have a certified renovator at the job site?

**A:** 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.

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