

NOTES
On New EPA LEAD Renovation Rules
Taken from NAR Web-seminar 12.18.08
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RAM GAD

The NAR offered a web-based seminar on new EPA rules affecting the renovation of any home/apartment that is pre-1978 or is a child-occupied facility (any facility that houses children for more than three hours a day: a daycare, a dance studios, etc.). It does not apply to a home-owner doing the work himself. However, if that owner hires someone else (including a tenant) to do the work or a child lives in his home, the rule does apply.

The rule (a more authoritative description can be found at www.epa.gov/lead) does not require renovation or testing, but if you are going to disturb painted surfaces (greater than six square feet inside or 20 square feet outside), then you are required to obtain the services of an EPA-certified firm to handle the work. What is meant by “certified firm”? We are basically talking about the guy in the pickup truck with a ladder in the back. The EPA estimates that there will be 8.4 million such renovations conducted this year in the United States and optimistically estimates that it will have trained and certified 210,000 firms across America by 2010 – when this rule takes effect – so that there will be enough certified folks to do this work. Not only does the “firm” have to be certified, but so do the folks who actually perform the work.

According to the seminar presentation, this new rule has been 12 years in the making and is not something that the federal government just recently dreamt up. The concern is based on the devastating impact that lead poisoning can have on a child’s mental development. Enough lead ingested, of course, can kill, but the federal standards are amazingly tough: one oz of lead (the same amount of sugar that you can find in a sugar packet) spread over a 25,000 square foot area (two-thirds of a football field) is considered lead contamination.

There are testing kits for determining if the paint in a home is lead-based, but to be able to claim that a home’s paint is lead free, that test must be conducted by another EPA-certified technician, and not by yourself. The seminar presenter said that until now there had been little incentive for property owners to test the paint, but under this rule, if you can show that the paint in a pre-1978 home is lead-free, then you are exempt from this rule.

What should a Realtor® look for in renovations of a building meeting the rule’s requirements? Both the company and the workers need to be EPA certified. They should seal the affected area off. Indoor spaces should have plastic on floors, windows and over doorways. And they should not leave any signs of their work – especially paint chips or sanding debris – behind, because they will likely to be contaminated. The plastic used should be seriously heavy, on the order of 6 ml. A list of certified

contractors will be produced, but no such list exists yet because the certification training has not happened.

NAR is promising a DVD on their presentation and we will make that available when it comes out. Beyond what is offered here, I have no further information on this matter. The presenter for this seminar was Tom Neltner, who works for a national organization that deals with environmental hazards (I did not catch its name). He can be reached at tneltner@nchh.org or 443-539-4160.