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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 6 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 6 years of age, on at least two different days within any week, provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at least 6 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.

## ***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 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 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 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-approved 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 tenant disclosure exemption from 1018 and the RRP Rule and they do not expire.

## ***Emergency Renovations***

### **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 6 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.

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

My firm is replacing windows in a condominium. The owner of the condominium in which we are working has signed the opt-out agreement. 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 and given the opportunity to "opt-in"?

### **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 owner-occupied multi-unit target housing, such as condominiums, must be performed in accordance with the requirements of the RRP Rule unless the renovation firm obtains a signed statement from each occupant with access to the common area.

### **Question (23002-18578)**

If the home owner lives out of state and is not available to sign the opt-out statement, can the contractor act as the agent for the home owner and sign the statement?

## **Answer**

No. Only the owner of the housing can sign the opt-out statement. In addition, for the opt-out to be available, the renovation must occur in the owner's residence.

## **Question (23002-19761)**

My firm started a renovation job before July 6, 2010 and the homeowner "opted-out". Since the opt-out provision was removed, what happens on July 6, 2010 (if the renovation activities are still ongoing but the opt-out is no longer available)? Do I have to start following the rule requirements or can I still rely on the opt-out statement from the owner?

## **Answer**

EPA notes that "renovation" under the rule is defined, in general, as the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces. Thus, if all the paint disturbing activities on a job have been completed before July 6, 2010, even though the job itself isn't finished, the requirements of the rule would not be triggered.

Generally, on or after July 6, 2010, activities that disturb painted surfaces must be performed in accordance with the work practice standards and training requirements of the Renovation, Repair, and Painting Rule. EPA believes that it is important that you minimize exposure of your clients and their family to lead-paint dust.

However, EPA recognizes that in some cases it may be infeasible for a renovator with an opt-out to stage a project in a manner that ensures completion of paint disturbing activities prior to July 6, 2010. In such circumstances of infeasibility, EPA believes that renovators should be able to conclude paint disturbing activities with the benefit of the opt-out even if the work continues briefly after July 6. However, any such work that is not in full compliance with the rule requirements must be completed as expeditiously as possible after July 6.

## 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 <http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf>.

### 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 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 <http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf>. 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 <http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf>.

### **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 a 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 7 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 7 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 6 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 anytime 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 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 7 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 C.F.R. 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)  2. Deliver Pamphlet to Adult Occupant (Tenant) §745.84(a)(2)	1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager  2. Deliver Pamphlet to Resident Co-op Share holder or Adult Occupant	1. Deliver Pamphlet to Condo Unit Owner (Or Agent of Owner)  2. If Condo is Leased, Deliver Pamphlet to Adult Occupant
Renovations in a Common Area	1. Deliver Pamphlet to Owner §745.84(b)(1)  2. Deliver Notice to Each Unit §745.84(b)(2)	1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager  2. Deliver Notice to Each Unit	1. Deliver Pamphlet to Condo Association or Property Manager  2. Deliver Notice to Each Unit

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 7 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 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 1 or more bedrooms, what pre-renovation education requirements would apply?

### **Answer**

With respect to apartments with 1 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.

## **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 area 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.

#### **Question (23002-18093)**

I have heard that if I use the warning signs EPA recommends in its model course I will be in violation of OSHA rules. Is this true?

#### **Answer**

The picture of a warning sign in the EPA model course is not intended to satisfy OSHA's requirements. However, a firm subject to both rules can satisfy both the OSHA requirements and the RRP Rule requirements by posting only the OSHA sign.

Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification have been completed.

### ***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 waste water) 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 waste water.

### **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 (23002-32218)**

The rules 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.

**Question (23002-18508)**

If I paint without disturbing the surface of the existing paint, can I use a tarp instead of 6 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 6 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 2-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 4 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 6 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.

## ***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 waste water) 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 waste water 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 work day 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 (23002-17804)**

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 work day 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)**

Typically, interior clearance is achieved by means of dust wipe sampling by a certified inspector or risk assessor using single surface dust wipes. This is required on all HUD jobs. EPA rules at 40 CFR 745.227(e)(8)(ii) allow for composite sampling in clearance testing. Under the 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 clearance standards 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 3 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 are jointly responsible for retaining and making available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation.

### Question (23002-32220)

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 3 years following completion of the renovation. The RRP Rule does not specify the format in which records must be kept.

### Question (23002-32221)

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.

### **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 must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with the RRP Rule for a period of 3 years following completion of the renovation.

## **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 (23002-13650)**

A property management company performs most of the clerical functions of the business, and hires plumbers, electricians, carpenters, etc., for its renovation needs. Does the property management company need firm certification?

### **Answer**

A property management company acts as an agent for the landlord and has the same responsibilities as the landlord under the RRP Rule. Therefore, if the property management company uses its own employees to do the work, the property management company must be a certified firm and one of the employees must be a certified renovator. If the property management company hires a renovation firm to perform the renovation, the property management company does not need firm or renovator certification, but the firm the property management company 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 (23002-17957)**

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 (23002-15340)**

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 need only submit a short application, and submit it with fee to EPA. The form, and associated material, is available on EPA’s website at <http://epa.gov/lead/pubs/toolkits.htm#renovator>. You should complete and submit this form without delay. 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, certain of your key employees may need to obtain individual certification (by taking a one-day certification course) in addition to your firm certification. Visit <http://www.epa.gov/lead/pubs/renovation.htm#contractors> 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 § 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 \$300 fee as part of their application. A firm's certification is effective for 5 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**

To become a certified renovator, you must successfully complete a renovation training course taught by an accredited training provider. The course completion certificate serves as your proof of certification – no application to EPA is necessary. If you are a sole proprietorship or individual doing business as a renovation firm, you must also become a certified firm by submitting a completed “Application for Firms” with the correct amount of fees. As part of your application, you will be required to certify that your firm 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.

No proof of training is required at the time you submit your application.

### **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 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.

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

## **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 Lead Renovation, Repair and Painting (RRP) rule sets up new 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 ([www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe)). 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 quite easily. It requires successful completion of 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).

Over 500 training firms have been accredited to provide the specialized, one-day lead-safe work practices training. Many offer trainings in multiple states. 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 (23002-18140)**

I took a class to be a Certified Renovator and my firm applied for firm certification before April 22, 2010, but my firm does not have its certificate yet. What do we do?

### **Answer**

In these circumstances, EPA does not intend to take enforcement actions against firms who applied for firm certification before April 22 and have not received their certification. The certification requirement is important to making sure that firms are protecting children and other residents while renovations are ongoing, but EPA does not wish to disrupt ongoing renovations for those firms that submitted applications on time. We expect that all of the applications filed before April 22 will be reviewed by June, and that the applications submitted for the first 60 days after April 22 will be reviewed soon thereafter. Thus, it will only be a short window of time when firms that applied are waiting to hear back from EPA.

### **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 (23002-21890)**

What happens if my firm is in the middle of a renovation job on April 22, 2010? My firm is not certified and none of my employees have taken the lead-safe certified renovator training. What should I do?

### **Answer**

You should submit your application for renovation firm certification immediately. You should also arrange for lead-safe certified renovator training for at least one of your employees as soon as possible, and you should require at least one of your employees to review EPA's online training materials at <http://www.epa.gov/lead/pubs/training.htm>. In addition, you must follow the lead-safe work practices required by the rule. Information on these work practices can be found at [www.epa.gov/lead](http://www.epa.gov/lead) or obtained from the National Lead Information Center at 1-800-424-LEAD (5323). For the first 60 days after April 22, 2010, EPA's general approach for work initiated before that date will be, upon learning that a firm or

individual conducting a renovation is not certified or trained, to issue a notice without monetary penalties to that firm or individual. This notice will state that the firm or individual needs to come into compliance as quickly as possible. To correct the noncompliance, the individual or firm will need to provide a copy of an accredited course completion certificate or firm certification to EPA within a reasonable time.

### **Question (23002-18000)**

I am a renovation firm and I have contracted for a renovation in a pre-1978 home to begin on or after April 22, 2010. None of my people have taken the lead-safe certified renovator training yet. I found out the Certified Renovator classes near me are all full until after April 22, 2010. What should I do?

### **Answer**

You should hold off on starting work in any pre-1978 home or child-occupied facility until you have taken the certified renovator training course from an EPA-accredited training provider. In addition, you should make sure that your firm is EPA certified. You can find out more information at [www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe). You can find an accredited training provider who is based near you by using EPA's search tool at [http://cfpub.epa.gov/flpp/searchrrp\\_training.htm](http://cfpub.epa.gov/flpp/searchrrp_training.htm). More than 100 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 the same search tool.

### **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.

## Lead-Safe Certified Firm Logo

### Question (23002-16813)

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

### Answer

EPA will send instructions for downloading your Logo to the e-mail address you list on your firm certification application. The instructions will include a password. To download your Logo, visit [www.RRPFirmlogos.org](http://www.RRPFirmlogos.org). Enter your User ID, which is your application ID number found on your certification letter. Enter the password included in the instructions. You will then find a download button and instructions on how to save your file.

### Question (23002-18061)

I don't have an e-mail account. Can I have a CD mailed to me?

### Answer

No. If you don't have an e-mail account, please call 1-800-424-LEAD with your firm certification number and they will assist you with obtaining your password. You can use your password, with the application ID number found on your firm certification letter, to download your Logo from [www.RRPFirmlogos.org](http://www.RRPFirmlogos.org).

### 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 (2-color or 4-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 e-mail [EPARRPFirmLogo@battelle.org](mailto:EPARRPFirmLogo@battelle.org) for the file. If you don't have an e-mail account, please call 1-800-424-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 call National Lead Information Center and provide your firm certification number and e-mail address. They will submit the request to EPA for you.

**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 (23002-18113)**

I need my password, or am having technical issues with the site to download the Lead-Safe Certified Firm Logo.

**Answer**

Please e-mail [EPARRPFirmLogo@battelle.org](mailto:EPARRPFirmLogo@battelle.org). If you don't have an e-mail account, please call 1-800-242-LEAD.

# Renovator Certification and Training

## 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 (23002-23546)

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 (23002-18088)

I have completed an 8-hour lead safe work practices training course, but my certificate has expired. What training do I need to take to become a certified renovator?

### Answer

If you have taken one of certain EPA/HUD lead-safe work practices training courses, or accredited abatement supervisor or worker training, before October 4, 2011, regardless of whether this training has expired you may become a certified renovator by taking a 4-hour renovator refresher course in lieu of the 8-hour initial renovator course. EPA is requiring that you complete at least the 4-hour refresher course in order to ensure that you are acquainted with how to use test kits to determine whether lead-based paint is present on a component and how to perform cleaning verification. For a list of the eligible EPA/HUD courses, go to <http://www.epa.gov/lead/pubs/trainerinstructions.htm#refresher> or call 1-800-424-LEAD.

### **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. Please note that if you previously completed an eligible renovation training course before October 4, 2011, you may take the 4-hour refresher course instead of the 8-hour initial course from an accredited training provider to become a certified renovator. For a list of eligible courses, visit <http://www.epa.gov/opptintr/lead/pubs/trainerinstructions.htm#refresher>.

### **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. New training providers are being accredited weekly.

### **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 home owner 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 § 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 (23002-19659)**

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 (23002-18377)**

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 Lead Renovation, Repair and Painting (RRP) rule sets up new 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 ([www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe)). 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 quite easily. It requires successful completion of 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).

Over 194 training firms have been 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/pubs/trainerinstructions.htm#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 may now use CDX to submit post-training notifications to EPA that contain the above-described numbering protocol.

## Authorized State and Tribal Programs

### Question (23002-18511)

If I received renovator certification in an authorized state, what do I need to do to work 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.

EPA renovator certification allows the certified individual to perform renovations covered by this section in any State or Indian Tribal area that does not have a renovation program that is authorized under subpart Q of this part.

### 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.

### 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.

## **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). New training providers seeking accreditation for more than one training manager can do so by duplicating the application pages for "Applicant Information," "Qualifications of Training Program Manager" and "Certification Statement" (Sections B, C and I) - and attaching them with the rest of the application. An accredited training provider wishing to add an additional training manager can do so by checking the "Amending Accreditation" box in Section A and completing the application accordingly. In either case, the training provider should make it clear to EPA in the application that they are seeking accreditation with multiple training managers.

## 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 (23002-18140)

I took a class to be a Certified Renovator and my firm applied for firm certification before April 22, 2010, but my firm does not have its certificate yet. What do we do?

### Answer

In these circumstances, EPA does not intend to take enforcement actions against firms who applied for firm certification before April 22 and have not received their certification. The certification requirement is important to making sure that firms are protecting children and other residents while renovations are ongoing, but EPA does not wish to disrupt ongoing renovations for those firms that submitted applications on time. We expect that all of the applications filed before April 22 will be reviewed by June, and that the applications submitted for the first 60 days after April 22 will be reviewed soon thereafter. Thus, it will only be a short window of time when firms that applied are waiting to hear back from EPA.

### Question (23002-21890)

What happens if my firm is in the middle of a renovation job on April 22, 2010? My firm is not certified and none of my employees have taken the lead-safe certified renovator training. What should I do?

### Answer

You should submit your application for renovation firm certification immediately. You should also arrange for lead-safe certified renovator training for at least one of your employees as soon as possible, and you should require at least one of your employees to review EPA's online training materials at <http://www.epa.gov/lead/pubs/training.htm>. In addition, you must follow the lead-safe work practices required by the rule. Information on these work practices can be found at [www.epa.gov/lead](http://www.epa.gov/lead) or obtained from the National Lead Information Center at 1-800-424-LEAD (5323). For the first 60 days after April 22, 2010, EPA's general approach for work initiated before that date will be, upon learning that a firm or individual conducting a renovation is not certified or trained, to issue a notice without monetary penalties to that firm or individual. This notice will state that the firm or individual needs to come into compliance as quickly as possible. To correct the noncompliance, the individual or firm will need to provide a copy of an accredited course completion certificate or firm certification to EPA within a reasonable time.

### Question (23002-18348)

If a property management company hires a certified firm to perform a renovation and the firm violates the RRP Rule, for example, by failing to distribute the necessary materials or keep proper records, which entity is subject to enforcement action, the property manager or the certified firm?

## Answer

It is the certified firm's responsibility to comply with the requirements of the RRP Rule, and any enforcement action taken would be against the firm.

## 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, 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 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 at [www.epa.gov/lead/pubs/training.htm](http://www.epa.gov/lead/pubs/training.htm). Additional information on lead-safe work practices can be found at [www.epa.gov/lead](http://www.epa.gov/lead) 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](#).

## 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 [www.epa.gov/lead/pubs/training.htm](http://www.epa.gov/lead/pubs/training.htm). Additional information on lead-safe work practices can be found at [www.epa.gov/lead](http://www.epa.gov/lead) 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 [www.epa.gov/lead/pubs/training.htm](http://www.epa.gov/lead/pubs/training.htm). Additional information on lead-safe work practices can be found at [www.epa.gov/lead](http://www.epa.gov/lead) or obtained from the National Lead Information Center at 1-800-424-LEAD (5323).

**Question (23002-17305)**

How does the June 18 announcement impact renovators in states that have adopted their own RRP programs?

**Answer**

As of July, 2011, twelve states -- Alabama, Georgia, Iowa, Kansas, Massachusetts, Mississippi, North Carolina, Oregon, Rhode Island, Utah, Washington, and Wisconsin -- administer and enforce their own RRP programs. Renovators working in these states must comply with all applicable state laws, notwithstanding this guidance.

**Question (23002-21884)**

What happens if an individual applied or was accepted for training before October 1, 2010, but the course is cancelled or delayed by the training provider during that 90-day period (October 1 - December 31, 2010)? What recourse does the individual renovation worker have after 12/31/10?

**Answer**

The renovator must complete training by December 31, 2010. EPA encourages renovators and firms to take advantage of this opportunity and not delay in becoming trained and certified.

**Question (23002-17858)**

How soon should renovation firms send their applications to EPA?

**Answer**

Firms should send their applications to EPA as soon as possible. All firms that are not certified by October 1, 2010, will be subject to penalties for failing to comply with the renovation firm requirements of the RRP rule. EPA has been working to expedite processing of applications but, under the regulations, may take up to 90 days.

**Question (23002-15746)**

Doesn't the June 18 memorandum extend an unfair advantage to members of the regulated community who have delayed compliance with the certification and training requirements and punish those who have complied with the rule?

**Answer**

EPA does not believe that allowing more time for firms to become certified and renovators to become trained extends an unfair advantage. To the contrary, firms that are already certified can benefit by continuing to advertise that they are certified and may continue to use EPA's program logo during this interim period. The Agency also recognizes the challenges some are facing in obtaining training in a timely fashion and is providing additional time to individual renovators to enroll in and take the required training courses before the Agency actively enforces the individual renovator requirements. EPA is committed to encouraging additional training opportunities in every state to meet this demand for classes.

## 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 [www.epa.gov/lead](http://www.epa.gov/lead) or call the National Lead Information Center at 1-800-424-LEAD.