

ATTENTION CONTRACTORS AND RESIDENTIAL RENTAL PROPERTY OWNERS AND MANAGERS

Effective April 22, 2010, anyone who is paid to perform renovations that disturb paint in a pre-1978 home, apartment building, or child-occupied facility must be certified by the Environmental Protection Agency (the "EPA") in lead-safe work practices. The EPA's 2008 Lead-Based Paint Renovation, Repair and Painting Program Rule (the "Lead-Safe Program") will affect directly contractors, property managers, and others who disturb painted surfaces. Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities. Generally, the Lead-Safe Program consists of three parts: (1) certification, (2) pre-renovation education of those affected, and (3) record keeping requirements.

Certification of Firm and Renovator. Prior to performing any renovations subject to the Lead-Safe Program, a firm (including sole proprietorships) must be certified by the EPA, and any individual performing the work that disturbs lead-based paint must be an EPA-certified renovator. A firm becomes certified by submitting an application to the EPA and paying a fee. An individual becomes a certified renovator by completing an eight-hour initial renovator training course. There is a streamlined certification process for contractors with previous lead training.

Education. Prior to performing the work, certain pre-renovation education requirements must be met. The specific education requirements depend on whether the work will be performed on a home, child-occupied facility, or multi-family housing complex. Pre-renovation education involves, among other things, distributing pamphlets to the owner and occupants and posting informational signs.

Record Keeping. For three years following completion of a renovation, certain documents must be retained, including reports certifying that lead-based paint is not present, records relating to the distribution of the lead pamphlet, and documentation of compliance with the Lead-Safe Program.

The foregoing is merely a summary of the new Lead-Safe Program. There are various exceptions and nuances. You should consult the actual rule for details with respect to your situation. For more detailed information, the EPA's web site (epa.gov/lead) has the actual text of the rule and other useful resources. Your Moss & Barnett attorney also can help you comply with the Lead-Safe Program.

