



LEAD-BASED PAINT RENOVATION, REPAIR AND PAINTING FINAL RULE

EPA Issues New Regulations for Renovation, Repair and Painting Activities

Under the Residential Lead-based Hazard Reduction Act of 1992, Congress required EPA to develop regulations to address renovation, repair and painting (RRP) activities in single and multi-family housing built before 1978. The purpose of the new rule is to reduce children's exposure to dust containing lead paint created during the course of these activities. This rule goes into effect on April 22, 2010.

These rules require contractors and renovators to get trained and certified in EPA's new lead-based paint work practices. The rules apply only to licensed contractors – do-it-yourselfers will still be able to do RRP work on their own without being trained or certified and without getting fined.

Key Points - Impact on Realtors

Compliance responsibilities for Realtors under this new rule are minimal. However, Realtors with some property management activity and property managers may face some additional compliance activities.

In terms of disclosure, for Realtors there are no new disclosure compliance responsibilities, no new forms, or revisions to the existing disclosure forms. However, a reminder that if any testing is done associated with any Renovation, Repair and Painting (RRP) activities, the results of that testing must be disclosed.

- The bulk of responsibility to comply with this new rule rests with contractors and remodelers. They must be trained and certified by EPA to conduct the new lead paint safe work practices while performing RRP activities in pre-1978 housing, by April 22, 2010.

- We are advising Realtors that they should only recommend trained and certified contractors to clients.

- For Realtors who also have some property management in their portfolio: if they do the RRP work themselves for properties that they manage, they need to be trained and certified in the new lead-paint safe work practices. If they hire outside contractors to conduct this RRP work for them, these contractors must be trained and certified.

- For property managers: in-house workers who perform RRP activities must be trained and certified in the new work practices. If they hire outside contractors to conduct this RRP work for them, these contractors must be trained and certified.

- All workers must be trained to comply with the new rules on April 22, 2010. Workers will not be "grandfathered in" if they are in the middle of a RRP project. Work on the project must stop and all workers must be trained before work can continue.

Exemptions: These rules may be waived under the following conditions:

- The home or child occupied facility was built after 1978.
- The repairs are minor, with interior work disturbing less than six sq. ft. or exteriors disturbing less than 20 sq. ft.
- If the house or components test lead free by a Certified Risk Assessor, Lead Inspector, or Certified Renovator.
- If the property owner is conducting the RRP work themselves.

For additional information on this new rule, please go to http://www.realtor.org/government_affairs/lead_paint_main. NAR staff contact – Russell Riggs, 202-383-1259, rriggs@realtors.org