

SPECIAL Report



NATIONAL ROOFING CONTRACTORS ASSOCIATION

EPA's Lead-Based Paint Pre-Renovation Education Rule

Roofing contractors' work often includes gutter, fascia and soffit replacement. With many older buildings, work of this type often involves removal of wood trim and gutters that have been painted with lead-based paint. In all likelihood, damaged or rotted elements will have loose or flaking paint that is easily dislodged when pried off or dropped to the ground. When lead-based flakes or chips of paint mix with the soil around a building, lead can leach into the soil and contaminate it. In addition, children playing in an affected area can ingest lead from the soil or paint chips and, at surprisingly low levels of exposure, suffer permanent injury or disability, according to the Environmental Protection Agency (EPA).

Background

The Toxic Substances Control Act (TSCA) directs EPA to increase public awareness of the lead-exposure hazard that may result from renovation projects. To accomplish this goal, EPA enacted The Lead-Based Paint Pre-Renovation Education Rule in 1994. The rule requires those who engage in renovation work to provide a lead-hazard information pamphlet to owners and occupants of *target housing* before the start of work. Target housing includes any residential housing built before 1978 except housing built for elderly people or people with disabilities (unless a child younger than six years of age resides in the residence).

The prerenovation lead information pamphlet is entitled "Protect Your Family From Lead in Your Home" and is available from EPA and Consumer Product Safety Commission regional offices, the Government Printing Office or may be ordered online at <http://bookstore.gpo.gov>. You can call the National Lead Information Clearinghouse at (800) 424-LEAD to obtain versions of the pamphlet in English and Spanish.

Information distribution requirements

For a *residential dwelling unit* (defined as four units or less), a roofing contractor has the following three options for pamphlet distribution to an owner and/or occupant:

- Not more than 60 days before the start of work, a copy of the pamphlet must be delivered to the owner of the unit. If a unit is not occupied by the owner, an adult occupant of each such unit also must receive a copy. A signed and dated acknowledgement of receipt by the owner and occupant must be obtained.

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- A contractor is permitted to mail a copy of the pamphlet to the owner and occupant but must obtain a proof of mailing from the post office postmarked at least seven days before the start of renovation in lieu of the signed and dated acknowledgement.
- A certification by the contractor must be completed when the pamphlet has been delivered to an adult occupant if written acknowledgement of receipt by the adult occupant has not been obtained because the occupant refuses or is unavailable to sign the acknowledgement.

When exterior work involving common areas of a *multiunit building* (more than four units) is performed, the contractor must deliver the pamphlet to the building owner and obtain a signed and dated acknowledgement of receipt. A proof of mailing from the post office as detailed previously also is permissible within 60 days and no less than seven days before the start of work. Occupants of individual units must be given written notification of the scope and time frame of work, provided a statement that lead-based paint may be disturbed and informed of the availability of the pamphlet that must be supplied to them at no charge by the contractor if requested.

Exemptions and record keeping

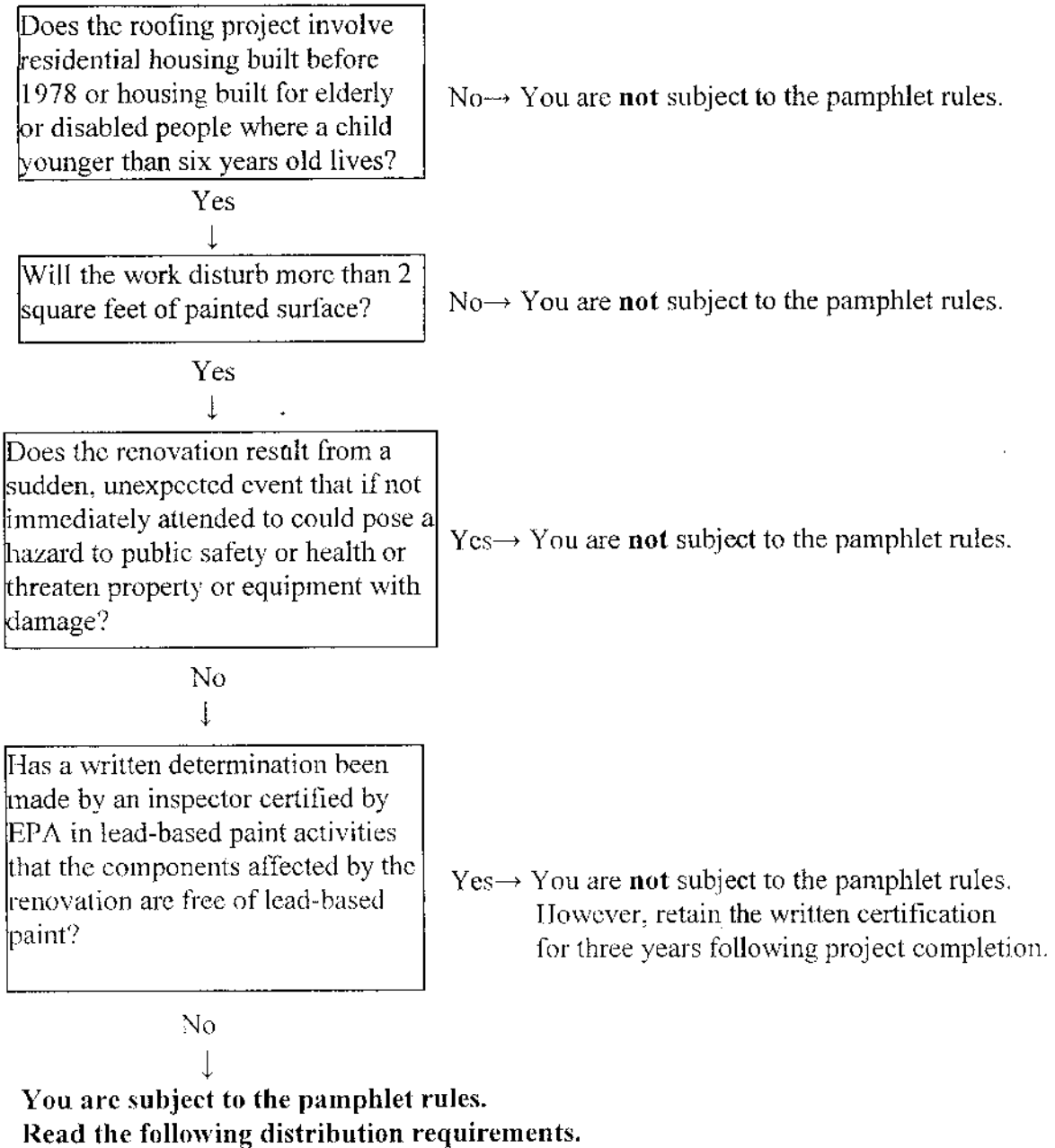
Renovations that involve 2 square feet or less of painted components and emergency renovations (prompted by an unexpected event and undertaken to avoid an immediate hazard to public safety or health or threat to equipment or property) are exempt from the pamphlet rules. Acknowledgements, certifications and notices relating to the renovation under the lead hazard awareness rules must be retained by the contractor for three years following the date of completion of the renovation project.

Conclusion

The regulations are supported by civil penalties and criminal fines of up to \$25,000 per day; however, EPA is focusing on the outreach and compliance assistance with its approach to lead-based paint awareness. Notice of warning, with the expectation that a contractor will comply with the pamphlet rules, is a tactic the agency may pursue. Roofing contractors would be prudent to follow the pamphlet distribution rules to avoid any likelihood of monetary fines. They also can know the information provided in the pamphlet along with their companies' best work practices is furthering the health of the community where they live and work.

You may download a copy of The Lead-Based Paint Pre-Renovation Education Rule pamphlet from EPA's Web site, www.epa.gov/lead/leadpdfse.pdf, or call NRCA. Please contact Harry Dietz, NRCA's director of risk management, at (847) 299-9070, Ext. 7502 with any questions regarding the rule.

Basics of EPA's Lead-based Paint Pamphlet Compliance Decision-making Matrix



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EPA's Lead-based Paint Pamphlet Distribution Requirements

Delivery must be accomplished no more than 60 days before the start of work. Mailings to a building owner or occupant must be postmarked no less than seven days before work begins.

Delivery requirements for owner-occupied single family residences and four-unit and fewer buildings are as follows:

- Deliver the pamphlet to the owner of the dwelling and do one of the following:
- Obtain from the owner a signed and dated acknowledgement of receipt of the pamphlet
 - Obtain from the post office a certificate of mailing for the pamphlet

Delivery requirements for nonowner-occupied single-family residences and four-unit and fewer buildings are as follows:

- Deliver the pamphlet to the owner of the dwelling and do one of the following:
- Obtain from the owner a signed and dated acknowledgement of receipt of the pamphlet
 - Obtain from the post office a certificate of mailing for the pamphlet and
- Deliver the pamphlet to an adult occupant of the dwelling and do one of the following:
- Obtain from the occupant a signed and dated acknowledgement of receipt of the pamphlet
 - Obtain from the post office a certificate of mailing for the pamphlet
 - Certify in writing that the pamphlet has been delivered to the dwelling but the contractor has been unable to receive a signed acknowledgement from the adult occupant

Delivery requirements for multifamily housing (five or more units) are as follows:

- Deliver the pamphlet to the owner of the building and do one of the following:
- Obtain from the owner a signed and dated acknowledgement of receipt of the pamphlet
 - Obtain from the post office a certificate of mailing for the pamphlet and
- Distribute notice in writing to each unit in the building detailing the following:
- Nature and location of the project
 - Start and end dates for the work
 - Statement of how the occupant can obtain the pamphlet from the contractor for no charge and prepare, sign and date a statement describing the notification steps taken and

Deliver revised notices to each unit if the start and end dates, locations or scope of the project changes after the initial notice was distributed.

EPA's pamphlet distribution requirements under TSCA demand some specific actions and record keeping by roofing contractors who perform work that involves components coated with lead-based paint. Fortunately, compliance can be accomplished by following the procedures outlined and maintaining proper records.