

EPA's Lead Renovation, Repair

and Painting Rules took effect April 22

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Practice Area: Environmental

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On **April 22, 2010**, the EPA's Lead Based Paint Renovation, Repair and Painting Rules (RRP Rules) took effect. The RRP Rules require all renovation activities at single family homes, multi-family housing and child-occupied facilities built before 1978 to be performed by a certified firm or individual.

The RRP Rules apply to **anyone who receives compensation** for renovation work that results in the disturbance of painted surfaces that possibly contain lead contaminates. The Rules will primarily affect specialty trade contractors, but the Rules also apply to owners of rental property and government or non-profit organizations performing rehabilitation work.

Under the RRP Rules, all applicable projects must be supervised by certified renovators. The certified renovator is required to ensure that the renovation is performed in accordance with the work practice standards of the RRP Rules.

A firm can become certified under the RRP Rules by submitting an application to the EPA. An individual worker can also become a certified renovator by successfully completing an eight-hour initial renovator training course offered by an accredited training provider. The certified individual must then complete an accredited refresher course every five years.

Currently, the RRP Rules contain an "opt-out" clause, which allows renovators to opt out, or be exempted from, the training and work requirements of the Rules. This opt-out provision only relates to homes. Renovators of homes can be exempted from the RRP Rules if they obtain a certification from the homeowner that no children under 6-years-old and no pregnant women reside in the residence.

Renovators should take all steps necessary to ensure they are in compliance with the RRP Rules because potential violations of the RRP Rules may carry substantial penalties. For example, a renovator could face possible **penalties of up to \$32,500 per day** for a violation of the Rules.

For more information on the substance of the RRP Rules or how to become a certified renovator, please contact Joe Reidy at 614-462-2207 or jreidy@szd.com; or Devin Parram at 614-462-1075 or dparram@szd.com.

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From risk assessment and management strategies to regulatory compliance and government authorizations and permits, our proactive approach helps clients meet their business objectives while reducing costs and time, and minimizing potential liabilities. When necessary, our trial lawyers prosecute administrative appeals and civil claims and effectively defend clients in civil and criminal environmental enforcement matters.

ENVIRONMENTAL

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