

## Lead Renovation Rule Frequently Asked Questions

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Recently the National Association of Home Builders (NAHB) sent out a release in regard to the new Lead Renovation rule. The release explained EPA's recent policy of delaying enforcement of the lead renovation rule's certification requirements, although not the work practices requirements of the rule.

It is very important for our members to understand that this notice does not apply to Wisconsin remodelers and subcontractors. In Wisconsin, enforcement of the lead paint regulation is done by the Wisconsin Department of Health Services, not the EPA.

DHS has told us they will NOT be granting a formal written delay to the lead paint certification requirements. WI DHS has told us that they will not immediately fine contractors who have not yet taken a lead safe renovator certification course. They will be giving written warnings to contractors who are not in compliance and will direct them to be in compliance within 60 days. If a contractor does not comply with this warning, enforcement actions will be taken and fines will be given out. Note, however, that DHS is not bound to follow this approach.

It is important that remodeling contractors get certified right away. Under the new regulation they may not even bid on a job that falls under the rule if they do not have the certification.

### Frequently Asked Questions

#### Who needs this?

Anyone who is doing work for compensation on a home or child occupied facility built pre-1978 that is:

- Replacing window(s) (does not matter if replacement does not fall into square feet requirements below, window(s) are always included)
- Disturbing more than 6 square feet of interior painted or coated lead contaminated surfaces
- Disturbing more than 20 square feet of exterior painted or coated lead contaminated surfaces

#### What do contractors need to do?

- Complete an 8 hour Wisconsin accredited "Lead Safe Renovation Course" or an 8-hour out-of-state EPA accredited "Lead Safe Renovation Course"
- Certify your Firm
- Fill out the Wisconsin Department of Health Services "Lead-Based Paint Activities & Investigations Certification Application - Company"
- Pay a fee of \$75 to the Wisconsin Department of Health Services for a 2-year certification
- Certify the individual that has taken the Lead Safe Renovator Course
- Fill out the Wisconsin Department of Health Services "Lead Certification Application – Individual"
- Pay a fee of \$50 to the Wisconsin Department of Health Services for a 2-year certification
- Pay an additional \$25 processing fee if training was completed out-of-state

#### What are the responsibilities of the "Lead Safe Renovator"?

- Each renovation project must have a certified Lead-Safe Renovator in charge
- The Lead Safe Renovator is responsible for training employees on how to work lead safe
- The Lead Safe Renovator must be on the job site during site set-up and posting of warning signs
- The Lead Safe Renovator does not have to be on the job site at all times while renovation work is being conducted but does need to be reachable by cell phone and able to return to the jobsite within about 30 minutes
- The Lead Safe Renovator must be on the job site for take down and clean-up. The Lead Safe

Renovator must personally perform the cleaning verification

- The Lead Safe Renovator is responsible for all of the record keeping involved

### **Who enforces the “Lead Rule”?**

- The Wisconsin Department of Health Services (DHS) enforces the Wisconsin Lead Safe Renovation Program under Chapter DHS 163, Wisconsin Administrative Code
- WI DHS is EPA authorized to administer and enforce its own Lead Safe Renovation program
- To report non-compliance call 1-608-261-6876

### **Where is the Wisconsin rule different than EPA's?**

- The definition of lead paint is more stringent in the state of WI than EPA's definition, .06% lead by weight compared with 0.5% lead by weight in the federal definition.
- Because the definition allows less lead in paint, there are currently no approved lead paint test kits in WI
- Testing for lead in a home needs to be done by a Certified Lead Risk Assessor or Certified Lead Inspector
- No chemical paint strippers containing methylene chloride are allowed in Wisconsin
- No high-pressure water blasting or hydroblasting is allowed unless conducted in a fully contained work area with HEPA-filtered exhaust control and water collection
- No improperly operating HEPA vacuums are allowed
- No dry sweeping, dust, debris or paint chips in a renovation work area is allowed

### **What does a general contractor need to know when working with sub-contractors?**

- The person/firm who has the contract with the homeowner to conduct renovation work must be a certified firm and is responsible for all reporting requirements
- While it is strongly recommended that all companies involved in a renovation are certified, a general contractor can hire an uncertified Lead Safe Renovator sub-contractor as long as the following is met:
  - The general is responsible for assuring that other companies are properly trained and certified for the tasks they will perform and that work is performed per the work practice standards
  - An uncertified sub-contractor may not be in the work area while paint is being disturbed
  - An uncertified sub-contractor cannot disturb more than 6 sq feet of interior surfaces, 20 sq feet of exterior surfaces or remove or replace windows

### **The general contractor must educate the uncertified sub-contractor on:**

- The requirement to keep barriers and containment up, intact, and secured
- The requirements of entering and exiting the contained work area
- The general contractor that hires a subcontractor is also responsible for lead-safe renovation violations committed by the sub-contractor

### **What does a sub-contractor need to know when working with a general contractor?**

- The person/firm who has the contract with the homeowner to conduct renovation work must be a certified firm and be responsible for all reporting requirements
- If the sub-contractor is going to disturb more than 6 sq feet of interior surfaces, 20 sq feet of exterior surfaces or windows, the sub-contractor must be a certified firm and perform appropriate tasks
- If the sub-contractor is not going to disturb more than 6 sq feet of interior surfaces, 20 sq feet of exterior surfaces or windows the sub-contractor needs to be aware of the following:
  - The requirements of keeping barriers up, intact and secured until cleaning verification is complete
  - The requirements of entering and exiting the contained work area
  - The requirement to be trained and certified if disturbing more than the minimum amount of paint