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New EPA lead paint regulations require certifications

Posted on 01. Jul, 2010 by Lance Henderson in News



Dan Dean, owner of Overall Construction Services, said he became certified in March and does all the lead paint testing for his company. Photo by Yvette Davis

By Yvette Davis

Lead: A soft, malleable, heavy metal found in batteries and bullets, some paints and gasolines, and ceramic pottery. It's highly resistant to corrosion, has a low melting point making it easy to work with, and perfect for use as solder. It's also highly poisonous.

Lead has disastrous effects on the human nervous system if ingested. It accumulates

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in soft tissues and bone, and causes blood and brain disorders as well. In fact, lead used in cooking pots and eating utensils has been blamed for the downfall of the Roman Empire.

But up until 1978, it was used in everyday house paint, creating a health hazard for residents and their children. While lead hasn't been in house paint sold since then, hundreds of thousands of gallons of lead paint still lurk in pre-1978 homes, and now the Environmental Protection Agency (EPA) is enforcing rules to make sure contractors take care of lead paints correctly.

The EPA ruling was originally passed in 2008 but not enforced until April 22, 2010. The ruling states that any contractor that performs renovations or repairs on pre-1978 housing and child-occupied facilities such as a daycare center, preschool, or kindergarten must test for lead paint or assume it is there if the job will disturb more than six interior square feet or 20 exterior square feet of paint. In addition, the lead-based paint tester must be certified by an EPA certified trainer. The cost of the training is around \$300 and time lost from jobs.

However, not following the rules will cost contractors a \$37,500 fine per violation.

Kris Alberti, executive director of the Northwest Independent Contractors Association, based in Soap Lake, Wash., teaches lead paint certification classes all over the state. She said the new criteria has the potential to impact 8.4 million projects in the United States over the next two years. In Washington state, about 55,000 registered contractors will be affected. At least, that's how things stand now.

Alberti said later this year or in early 2011, the Washington State Department of Commerce will take over as administrator for the program, and she has heard talk that the ruling will be expanded to include commercial buildings as well. That means commercial building owners who want to renovate must either become lead paint certified themselves, or hire someone who is, before doing tenant improvements or making other changes.

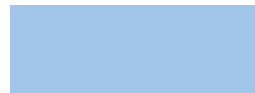
Jamie Rimmer, co-owner of Rimmer and Roeter, a local general contractor, said should the commerce department extend the ruling to include commercial buildings, it would make it more difficult and more costly to do renovations for many area building owners. But the lead-based paint issue isn't new, he said.

"It's been around for quite a while, the EPA is just taking a firmer stance on it," Rimmer said. "When asbestos guidelines first came out there was a shock factor and everybody thought the sky was falling, but we dealt with it. The hard part for developers right now is how to deal with the extra cost."

Asbestos regulations are something that Joel McDonald of Inside Design Carpet One knows well. When it comes to asbestos in flooring, it's better not to disturb it and just put a new floor over it, he said. Asbestos guidelines are stricter and abatement can run a homeowner thousands of dollars.

"But with the lead paint issue, you can't just paint right over the surface. We have to go through the process of containing the lead. It's a simple process, but it adds to the cost," McDonald said.

Dan Dean, owner of Overall Construction Services, said he became certified in March and does all the lead paint testing for his company. He tested the job site he's working on right now – a 1976 home remodel – and found no lead paint, but he knows that on the next job he contracts he might not be so lucky.



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For Dean, obtaining the certification made sense for many reasons, but he worries about competition from uncertified, under-the-table contractors.

“Not all employees have to become certified, which is good because employees can come and go,” Dean said. “But there are a lot of out-of-work contractors out there doing jobs for cash and many of them are not going to do the lead testing, so they can bid the jobs lower because of that. It creates an uneven playing field.”

Dean said he hopes unlicensed contractors will be caught as a result of stricter enforcement.

Many homeowners looking to hire a contractor are not even aware this ruling has gone into effect, said Alberti. Her office and the home builder associations in the state, such as the North Central Washington Home Builders Association, are trying to get the word out, but she said there are 245 certified trainers in the state to cover 55,000 contractors, making it a monumental task.

For more information on the EPA ruling, check out the EPA [website](#).

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