

**THE LEAD-BASED PAINT PRE-RENOVATION
EDUCATION RULE**

**INTERPRETIVE GUIDANCE FOR CONTRACTORS,
PROPERTY MANAGERS, AND MAINTENANCE
PERSONNEL UNDER SECTION 406(b) OF THE LEAD-
BASED PAINT HAZARD REDUCTION ACT OF 1992**

**Correction and Clarification to Part I Interpretive Guidance
Regarding Timing of Pamphlet Delivery**

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Correction and Clarification Regarding Timing of Pamphlet Delivery

EPA wishes to issue the following correction and clarification regarding timing of the lead hazard pamphlet distribution, addressed in the May 28, 1999 Interpretive Guidance:

In response to question number 3. of the Interpretive Guidance, it was stated that an

“owner/manager may attach or incorporate the required [lead pamphlet] acknowledgment statement into any existing repair request forms, and may distribute a copy of the pamphlet along with the form to all tenants on a one-time basis. Whenever a repair is needed, the tenant would simply fill out a repair request form and acknowledge receipt of the lead information pamphlet at the same time.”

The portion of the above statement related to distribution of the lead hazard pamphlet is incorrect: although copies of the acknowledgment form may be provided to all tenants on a one-time basis, section 745.85(a) of the regulations clearly states that the lead hazard pamphlet must be distributed no more than 60 days before the subject renovation begins. Therefore, although an owner/manager may choose to distribute copies of the acknowledgment form and pamphlet to all tenants on a one-time basis to introduce tenants to the new pre-renovation rule requirements, an additional pamphlet delivery would be needed if any renovation is to begin more than 60 days after such a mass distribution.

In comments on the proposed section 745.85(a), several persons and organizations pointed out that the requirement to deliver the pamphlet no more than 60 days in advance of any renovation activity covered by the rule would result in some tenants receiving multiple copies of the pamphlet. In developing the final pre-renovation education rule, EPA carefully weighed whether a one-time pamphlet distribution would be adequate to meet the objectives of section 406(b) of the lead statute, and concluded that many, if not most, tenants would benefit from receiving the information in the lead pamphlet closer to the time that a renovation is to begin. Although some tenants may read lead information delivered on a “for-your-information” basis, many others are not likely to focus on potential lead hazards until a renovation affecting their unit is imminent, and would welcome receiving information on protecting their families from lead in a more timely fashion. To alleviate potential delays in performing repairs when tenant acknowledgments are not obtainable, section 745.85(a)(2)(i) of the final rule permits owners/managers to “self-certify” that a pamphlet has been delivered to the unit before the renovation begins.