

RRP, a Local Health Perspective



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How Can RRP Help Local Health

Scenario #1

Tenement House

Pre-1978 structure

Several children under six (6) years of age in residence

Defective paint throughout building

Defective paint confirmed to be toxic

Property owner lives out of town

Children with blood lead levels

Does Local Health issue “Order/N.O.V.”? **Yes**

“Lead Abatement” or “Lead Safe work Practices”? **Abatement**

Can property owner conduct Lead Abatement? **Yes, according to CT Public Health Code section 20-478-2(a) “...A property owner is not required to be so licensed in order to abate lead hazards on that owner’s property....”**

Do we really want the property owner to do the lead abatement? **Of Course Not**

Can Local Health prevent the property owner from conducting the abatement? **Yes**
According to Federal Law, the property owner has to be RRP Certified.

How Can RRP Help Local Health

Scenario #2

Two-family house

Pre-1978 structure

Non owner occupied

A child under the age of six resides in one unit

While conducting a no heat complaint investigation

You notice defective paint throughout interior of apartments

Is that a violation? **Yes, CT General Statutes 47a-52(d)** “Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. **Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a-111c.”**

But you don't know for sure if it is lead based paint.

Does Local Health have to know? **No**

Does Local Health want to turn this into a 19a-111 Abatement? **Of Course Not!**

So, you inform the property owner that they have two options.....

They either agree that there is a strong likelihood of toxic lead paint.... Or they don't agree.

...and if they don't agree, then you'll have the defective paint tested ...and if it turns out to be toxic with lead, then an "Abatement Order" will be issued and the amount of work and cost will be extensive.

...But if you agree the paint could be toxic, and you have an RRP do the work, then the requirements and costs are less.

I then further explain the difference between making something lead safe with an RRP, as apposed to conducting lead abatement.

Remember, this choice isn't an option without RRP.

Other examples of reasons why a local health department/district would become involved with requiring lead safe remediation, not abatement:

1. Local ordinance requiring pre-occupancy inspections. Inspector notices defective paint. Dwelling is pre 1978. No children under 6.

2. General housing complaint regarding “whatever” gets inspector into or onto property and inspector notices defective paint (inside or outside). Dwelling is pre-1978. No children under 6.

3. Health inspector follows up on a venous blood report between 5-19ug/dl in a child under 6 years of age. The house is pre-1978. No defective paint found.

4. Childcare facility is pre-1978 and has defective paint.

5. Property owner or contractor conducts applicable renovations on pre-1978 structure. If not RRP, a hazard could be created. Inspector provides RRP info and/or reports to EPA.

5. Any others?

A pre - 1978 home with at least one child, under 6 yrs. of age and ...

	<u>RRP</u>	<u>ABATEMENT ONLY</u>
an Elevated Blood Lead Level (EBLL) *		X
two venous blood tests between 15 - 19ug/dl > 3 months apart *		X
defective paint confirmed toxic		X
defective paint not tested	X	
intact toxic paint	X	
intact paint not tested	X	

* - Assuming toxic paint was found

A pre - 1978 rental unit **with no children under the age of 6 and ...**

RRP

ABATEMENT ONLY

defective paint confirmed toxic

X

defective paint not tested

X

intact toxic paint

X

intact paint not tested

X

§ 745.82 **Applicability.**

(a) **This subpart applies to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:**

(1) Renovations in target housing or child-occupied facilities in which a **written determination has been made by an inspector or risk assessor** (certified pursuant to either Federal regulations at § 745.226 or a State or Tribal certification program authorized pursuant to § 745.324) **that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm²) or 0.5% by weight**, where the firm performing the renovation has obtained a copy of the determination.

(2) Renovations in target housing or child-occupied facilities **in which a certified renovator, using an EPA recognized test kit as defined in § 745.83 and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight.** If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(3) Renovations in target housing or child-occupied facilities **in which a certified renovator has collected a paint chip sample from each painted component affected by the renovation and a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip samples has determined that the samples are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight.** If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(b) "...emergency renovations ...that are not planned..."

Residential dwelling means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Multi-family dwelling means a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Child-occupied facility means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

Universal Remodeling and Building, LLC is a residential renovation and remodeling company located in Stratford, CT. The settlement involves a residential renovation project conducted at one property located in Stratford, CT during July and August of 2011. The property was constructed prior to 1978.

•**Failure to Obtain Firm Certification.** The United States alleges that Universal Remodeling violated the Renovation, Repair, and Painting Rule by failing to obtain firm certification from EPA prior to performing, or offering to perform, renovation activities in housing constructed prior to 1978.

•**Failure to Comply with Training Requirements.** The United States alleges that Universal Remodeling violated the Renovation, Repair and Painting Rule by failing to obtain training course completion certification.

•**Failure to Comply with Work Practice Standards.** The United States alleges that Universal Remodeling violated the Renovation, Repair, and Painting Rule by failing to contain the work area by covering the ground with plastic sheeting or other disposable impermeable material.

Civil Penalty: Universal Remodeling will pay a penalty of **\$1,600** pursuant to the Pilot RRP Penalty Program for Micro-Businesses. Under the Micro-Business pilot, significantly reduced penalties are offered to respondents who have annual sales or gross pre-tax revenue of \$300,000 or less.

DiGiorgi Roofing and Siding, Inc. is a building contractor that specializes in roofing, siding, window replacement and remodeling projects with its main office located in Beacon Falls, CT. The settlement involves residential window and door renovation projects conducted at six different properties in Connecticut between July 2010 and June 2011. Each of the properties was constructed prior to 1978.

Failure to Provide Lead Hazard Information Pamphlet to the Property Owners. The United States alleges that DiGiorgi Roofing violated the Renovation, Repair and Painting Rule by failing to provide a copy of the “Renovate Right” pamphlet to three property owners prior to commencing renovation activities.

Failure to Establish and Maintain Records. The United States alleges that DiGiorgi violated the Renovation, Repair, and Painting Rule by failing to establish and maintain records, including the certified renovator’s training certificate, certifying that a certified renovator was assigned to the projects, provided on-the-job training to individuals used on the project, directed these individuals performing the renovation to comply with the required work practice standards and performed the post-renovation cleaning verifications required by the RRP rule.

Civil Penalty: DiGiorgi Roofing and Siding will pay a penalty of **\$23,600 (plus interest)** in four installments over a four month period. Final order

Suggestions

Have the RRP pamphlets in your car, as well as the office.

Explain the differences between RRP work and abatement with your Building Official. Explain that all you want them to do is hand out the pamphlets if the property is pre-1978.

Encourage landlords and property maintenance employees of pre-1978 multi-family units to become RRP certified.

Remember, we must be proactive,
not reactive.

Don't wait for a child to be at risk,
prevent the risk.

Thanks for listening.