

EPA Delays Enforcement of New Lead Paint Rule for Renovation, Repair and Painting Projects

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In the January 2010 issue of Construction Law Briefs, we reported that the Environmental Protection Agency (EPA) instituted a new rule that would affect renovation, repair and painting projects on homes and child-occupied facilities built before 1978. The new rule aims to reduce the amount of lead dust created during the renovation and repair of homes and child-occupied facilities. The rule requires that contractors, subcontractors and landlords who perform these renovation, repair and painting projects be properly trained and certified and follow specific work practices to prevent lead contamination. The rule also requires contractors, subcontractors and landlords to provide the EPA pamphlet, Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools, to homeowners and occupants of child-occupied facilities built prior to 1978. Ignoring the new rule could lead to fines of up to \$37,500 per day.

The new rule was originally scheduled to take effect in April 2010. However, the EPA recently decided to delay the enforcement of the new rule following pressure from the construction industry and members of Congress. The EPA announced that it will not fine renovation/repair workers if they enroll in or apply to enroll in a certified renovator class by September 30, 2010, and complete training by December 31, 2010. The EPA's memo of the announcement can be found at http://www.epa.gov/lead/pubs/giles_RRP_memo.pdf.

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Sarah Yocum Rider

Counsel

Tel: (717) 399-1576

Email: srider@barley.com