Gearing Up for the EPA Lead Abatement Rules

Despite unified industry pleas to delay implementation based on training bottlenecks and the poor timing of adding yet another speed bump to an ailing industry’s road to recovery, the Environmental Protection Agency decided to go live with its new Lead: Renovation, Repair and Painting Rule on April 22, 2010.

The new measure (40 CFR § 745.85) requires renovation work that disturbs more than 6 square feet on the interior of a home, including the installation of windows, to follow new lead safe work practices, supervised by an EPA-certified renovator and performed by an EPA-certified renovation firm. The work must then be inspected by an EPA-certified inspector. Failure to meet these requirements exposes the contractor to a back-breaking fine of $37,500 per violation, per day. The rule applies to all homes built before lead paint was banned in 1978, unless contractors can show, using an EPA-approved test, that the job area doesn’t contain lead.

AAMA and the rest of the industry, including the vast majority of contractors, support the plan to protect the health and safety of pregnant women and young children. But the small percentage of trained window installers to date have been subject to inconsistent training, and questions linger about the accuracy of the recommended lead detection kits. Add to this the gross underestimation by the EPA of the additional cost and the removal of the opt-out provision where vulnerable children and pregnant women are not occupants leaves many questioning whether the rule is truly ready for prime time.

Steve Owens, assistant administrator for EPA’s Office of Prevention, Pesticides and Toxic Substances dismisses the concerns. “All a contractor needs to do to be certified is take a simple one-day course [from an EPA accredited training provider],” he stated in an April 8 EPA press release. But this is not as simple as it sounds.

The eight-hour training class, which EPA says costs about $200 per worker, followed by the EPA registration fee of $300 per company is another expense for remodelers in a difficult economy. Then there is the cost of lead test kits, supplies to isolate the work area, replacement respirator cartridges, HEPA vacuum filters and pollution insurance, not to mention lost work days used to take the training. While these costs will of course be passed on to the consumer or building owner, they could add up.

The EPA estimated the extra costs of the lead rule compliance at $35 for an average remodeling job. Architectural Testing Inc., an ISO-17025 and AAMA-accredited laboratory, has estimated average additional costs to be $121 per window. Some say it could go as high as $200 per window.

In addition, the limited supply of both trainers and inspectors means that installers may not be able to access appropriate training. As of early April, EPA had certified 190 training providers who had conducted more than 4,900 courses and announced that it expected more than 125,000 contractors to be trained by the April 22 deadline. But others point out that even this army is insufficient to cover the estimated 500,000 home remodeling companies in the U.S., who may be called upon—especially if programs like Home Star have the desired effect—to renovate a fair portion of the nation’s 76.5 million housing units built before 1980. NAHB says it continues to receive calls from remodelers that can’t find training and are waiting to hear back from EPA on certification. Clearly, there is a need for more trainers and a faster certification process.

And, there are still many loose ends regarding enforcement. Homeowners may unknowingly hire less expensive, untrained workers. Currently, enforcement is handled by EPA on a federal level, but this responsibility will shift as more individual states become authorized to administer RRP programs, whose regulations must be as protective, if not more so, than those of EPA, and are also required to provide sufficient enforcement. And there are questions whether the new rules affect work already in progress as of the deadline date.

INFORMATION AND TRAINING

But we are not without resources. ATI, which also administrates AAMAs industry-leading InstallationMasters program— which already includes some lead safe practices—is pursuing trainer credentials for the LRRP program, which would make training available to the over 10,000 residential window and door installers already certified through InstallationMasters. AAMA is also working to act as a resource in disseminating vital information concerning the regulations. A new EPA Lead Rules Information and Resources page has also been added to the AAMA Web site.

In short, we are doing our part to get as many installers trained as quickly as possible. As unfortunate as EPA’s decision might turn out to be, it is now a done deal, and we must make the best of the situation— with fingers crossed. 

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