

E.P.A. Lead Paint and the Commonwealth of Massachusetts Regulations

EPA Authorization to States for Manage RRP Rule

The U.S. Environmental Protection Agency authorizes states, tribes, and territories (hereinafter referred to as "state") to administer and enforce its [Renovation, Repair, and Painting \(RRP\) Rule](#). The state program must be at least as protective as the EPA RRP program and provide for adequate enforcement. See www.epa.gov/lead/pubs/renovation.htm#states to get EPA's latest guidance to states on authorization and identification of states with authority.

If you've got time to burn, check out "40 CFR Part 745 Subpart E: Residential Property Renovation State, Territorial, and Tribal Program Authorization Application Guidance." You can find this at:

<http://www.epa.gov/lead/pubs/statetribalguidance.pdf>

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New Information

Last night I received an email from a local builder that contained the following:

Contractors and Renovators Working in Massachusetts - Division of Occupational Safety Establishes Rules Regarding Lead-Safe Renovation

The Massachusetts Division of Occupational Safety has filed emergency regulations on April 2 which replace the existing rules on Deleading and now includes regulations relating to lead-safe renovation.

Although the new rules have been approved, we have been advised that until the Environmental Protection Agency authorizes the DOS to administer and enforce the EPA's Renovation, Repair and Painting Rule, the Division will not be enforcing the regulation. However, since we can not confirm that fact nor will we be able to monitor the actual enforcement of the rules by the DOS, it is recommended that you become familiar with the regulations and be in a position to comply with the Massachusetts code once the rules become enforceable so that you may avoid fines and penalties.

While many of the regulations follow the EPA Renovation, Repair and Painting Rule, there are a number of additions that Massachusetts will impose on contractors and renovators. Chief among them are:

- a. state licensing requirements for Lead-safe Renovation Contractors and persons training contractors in Lead-safe Renovation requirements;*
- b. administrative tasks for training providers with submission requirements to the Commonwealth of courses and attendees;*
- c. specified training criteria which may be over and above that required by the EPA;*
- d. additional 4 hours of training for Lead-safe Renovator Supervisors and additional testing;*
- d. worker protection and monitoring requirements;*
- e. medical examination and consulting requirements; and*
- f. more specificity on work practices and other requirements for renovation work.*

Lead Renovation, Repair and Painting Rule (RRP Rule)

The Division of Occupational Safety filed emergency **REGULATIONS** on April 2, 2010, at 454 CMR 22.00, replacing its Deleading regulations with new regulations entitled Deleading and Lead-Safe Renovation. These regulations were published in the Massachusetts Register on April 16, 2010, and are effective April 2, 2010. However, at the present time, the Division of Occupational Safety will not enforce the new regulations, unless and until it receives delegated authority from the Environmental Protection Agency to administer and enforce EPA's Renovation, Repair and Painting Rule. Entities newly covered by the new regulations should continue to obtain their licenses from EPA at this time.

Further information on the RRP Rule, application forms for contractors, applicable fees and lists of approved training providers may be obtained through the following link: <http://www.epa.gov/lead/pubs/renovation.htm>

EPA Region I contacts:

Rob Carr – 617-918-1607

James Bryson – 617-918-1524

DOS has been receiving many inquiries relating to the US EPA's Lead Renovation, Repair and Painting Rule (RRP Rule), 40 CFR 745, Subpart E, which will become fully effective on April 22, 2010. This Rule will require the certification of firms that, for a fee, perform renovation, repair and painting work that disturbs lead paint in pre-1978 residences and child-occupied facilities. The RRP Rule also requires pre-work notifications to owners and occupants, the use of trained supervisors (certified renovators) to oversee regulated work and adherence to specified work practices. Although DOS is considering the feasibility of seeking authorization from EPA to administer and enforce lead safety standards for renovation, repair and painting work, EPA has the exclusive authority to administer and enforce the RRP Rule at this time. More information will be available as the application process for delegated authority proceeds. DOS will make that information available as soon as possible. In the interim, questions can be directed to DOS Environmental Engineers Patty Sutliff or Frank Kramarz at 617-969-7177.

Further information on the RRP Rule, application forms for contractors, applicable fees and lists of approved training providers may be obtained through the following link: <http://www.epa.gov/lead/pubs/renovation.htm#contractors>

INFORMATION FROM THE COMMONWEALTH'S LABOR AND WORKFORCE DEVELOPMENT WEBSITE

So What Does This Mean?

It is my understanding that the State Regulation has been submitted to the EPA for approval as meeting their RRP regulation. In the mean time the State is not enforcing the new regulation, so I would have to assume it still falls under the enforcement of the EPA, and all of their fines and such.

The above information (page 1) was provided in an email from a local contractor. This email originated from the National Kitchens and Bath Association.

The information on the left of this page was obtained from the Commonwealth's Labor and Workforce Development website. Please note it states the following:

Entities newly covered by the new regulations should continue to obtain their licenses from EPA at this time.

If you have any questions on how this will impact you, I would strongly suggest you contact the Division of Occupational Safety & Health Programs at 617-626-6975

If you want to view the 34 pages of 454 CMR 22.00 - Deleading and Lead Safe Renovation Regulations you can find it at the following website:

http://www.mass.gov/Elwd/docs/dos/lead_asbestos/RRP%20Rule/Emergency%20Regulations%204.2.10.pdf

I strongly suggest you print out this document and review it in its entirety so you know what the regulation will be.