

# **APPENDIX 3**

**Lead Pre-Renovation Education Rule Flyer**

**Lead-Based Paint Pre-Renovation Regulation Tri-fold Pamphlet**

**Pre-Renovation Lead Information Rule: Questions and Answers**

**Pre-Renovation Lead Information Rule: Fact Sheet**

**Lead-Based Paint Pre-Renovation Education Rule: Handbook**

**Lead-Based Paint Pre-Renovation Education Rule: Interpretive Guidance Part 1**

**Lead-Based Paint Pre-Renovation Education Rule: Interpretive Guidance Correction to Part 1**

**Lead-Based Paint Pre-Renovation Education Rule: Interpretive Guidance Part 2**

**This page is intentionally blank.**

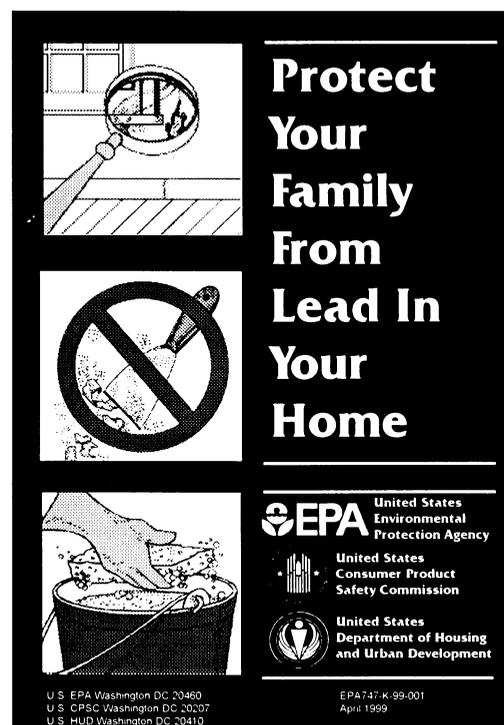
# ATTENTION!

## Remodeler/Renovator/Contractor/Landlord Does the New Federal Lead-Based Paint Regulation Apply to You?

Yes, if:

- Your work involves pre-1978 houses or apartments
- You receive any form of compensation for your work
- You disturb more than 2 square feet of painted surfaces
- Your work is not specifically excluded from this law

Federal law requires distribution of this lead hazard information pamphlet **BEFORE** starting a renovation. →



### Applicable to:

- Carpenters
- Renovators & Remodelers
- Electricians & Plumbers
- Painters
- Home Improvement Contractors
- Landlords/Property Managers
- Apartment Maintenance Staff
- Anyone whose work disturbs paint

## Find Out More on How to Comply

Information on back

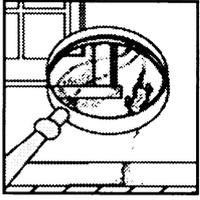


U.S. Environmental  
Protection Agency  
EPA 747-F-00-002  
March 2000

**1-800-424-LEAD**  
[www.epa.gov/lead](http://www.epa.gov/lead)



# The Lead Pre-Renovation Education (PRE) Rule



In general, the Lead PRE Rule applies to:  
**Renovations performed in pre-1978 housing which are performed for compensation.**

“**Renovation**” means any modification of all or part of any existing structure in the housing that disturbs painted surfaces. “Renovation” includes:

- Removal/modification of painted surfaces, components, or structures
- Surface preparation activities (sanding/scraping/ other activities that may create paint dust)
- Window replacement.

“**Compensation**” is the receipt of anything of value (not only money), and may include:

- Exchanges of money, goods, or services
- Payment of rent to landlords/property managers.

## Renovation Examples:

- Demolition of painted walls or ceilings
- Large surface replastering
- Major plumbing repairs or improvements
- Any other activities which disturb more than 2 square feet of painted surfaces

## Are there exemptions from these requirements? YES...



- Lead abatement activities performed by certified lead abatement contractors
- Emergency renovations
- Renovation of certified lead-based paint free components
- Minor repair/maintenance activities which disturb less than 2 square feet of painted surfaces
- Renovations in dormitories/studio apartments/housing for the elderly or disabled

## What am I required to do? Specific requirements depend on the following criteria:

### In owner-occupied housing you must:

- Provide an EPA-approved lead information pamphlet to owner and get written acknowledgment or receipt from owner, OR
- Mail the pamphlet to owner 7 days prior to renovation and document with certificate of mailing.

### In tenant-occupied housing you must:

- Provide an EPA-approved pamphlet to both building owner and an adult occupant by one of above methods.
- If attempted delivery to adult occupant fails, you may comply by leaving the pamphlet at unit and preparing certification describing delivery attempts for your files.

### For renovations in “common areas” in multi-family housing (more than 4 units), you must:

- Provide an EPA-approved pamphlet by one of the methods listed under owner-occupied housing above.
- Provide notice to each tenant in the building describing:
  - Nature/location/timing of renovation.
  - Availability of the EPA-approved pamphlet (free upon request).
- Retain written documentation describing notification procedures for 3 years.



**For more information or to obtain lead hazard information pamphlets:**

**1-800-424-LEAD**

**[www.epa.gov/lead](http://www.epa.gov/lead)**

## ***EPA Regional Offices***

---

Region 1 (CT, MA, ME, NH, RI, VT)  
1 Congress Street  
Suite 1100 (CPT)  
Boston, MA 02114 888-372-7341

Region 2 (NJ, NY, PR, VI)  
MS-225  
2890 Woodbridge Avenue  
Edison, NJ 08837 732-321-6671

Region 3 (DE, DC, MD, PA, VA, WV)  
1650 Arch Street  
Philadelphia, PA 19103 215-814-5000

Region 4 (AL, FL, GA, KY, MS, NC, SC, TN)  
Sam Nunn AFC Tower  
12th Floor, 61 Forsyth Street  
Atlanta, GA 30303 404-562-8989

Region 5 (IL, IN, MI, MN, OH, WI)  
77 West Jackson Blvd.  
Chicago, IL 60604 312-886-6003

Region 6 (AR, LA, NM, OK, TX)  
First Interstate Bank Tower  
1445 Ross Avenue  
12th Floor, Suite 1200  
Dallas, TX 75202 800-887-6063

Region 7 (IA, KS, MO, NE)  
901 N. 5th Street  
Kansas City, KS 66101 913-551-7020

Region 8 (CO, MT, ND, SD, UT, WY)  
999 18th Street, Suite 500  
Denver, CO 80202 303-312-6021

Region 9 (AZ, CA, HI, NV)  
75 Hawthorne Street  
San Francisco, CA 94105 415-744-1124

Region 10 (ID, OR, WA, AK)  
1200 Sixth Avenue, WCM-128  
Seattle, WA 98101 206-553-1985



United States  
Environmental Protection Agency  
(7404)  
Washington, DC 20460

Official Business  
Penalty for Private Use \$300

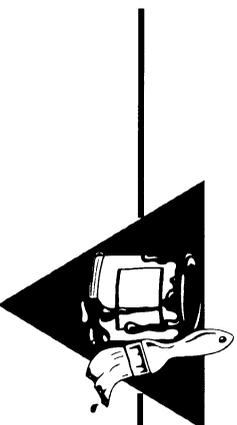
United States  
Environmental Protection  
Agency  
EPA 747-F-00-001  
March 2000

Prevention, Pesticides and Toxic Substances (7404)



## ***The Lead-Based Paint Pre-Renovation Regulation: Does It Apply to YOU?***

- Home Improvement Contractors
- Landlords/Property Managers
- Apartment Maintenance Staff
- Renovators & Remodelers
- Electricians & Plumbers
- Painters
- Carpenters
- Anyone whose work disturbs paint



## What is the Lead-Based Paint Pre-Renovation Education Rule (Lead PRE)?

- Lead PRE is a Federal regulation affecting renovations/repairs in residential housing built before 1978.
- Lead PRE is designed to provide residents of pre-1978 housing with information to help prevent lead exposure which can cause serious health effects, especially in children and pregnant women.

## Who Must Follow These Requirements?

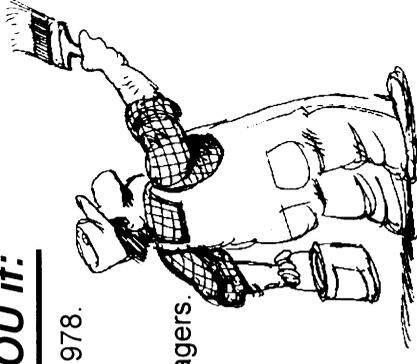
In general, anyone whose compensated work disturbs paint in housing built before 1978, including:

- Residential rental property owners/managers
- General contractors
- Special trade contractors, including:
  - Painters, Plumbers, Carpenters, Electricians.

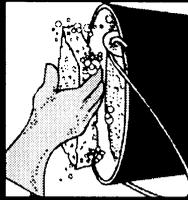
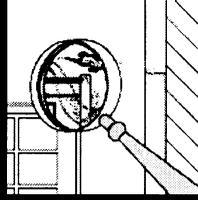


## Generally, the New Lead PRE Rule Applies to YOU if:

- Your renovation/repair work involves houses/apartments built before 1978.
- You disturb more than 2 square feet of painted surfaces.
- You are compensated for the work, do the work in exchange for other services (bartering), or you or your staff do the work as property managers.
- Your work is not specifically excluded from this law.



## Protect Your Family from Lead In Your Home



**EPA** United States Environmental Protection Agency  
United States Consumer Product Safety Commission  
United States Department of Housing and Urban Development  
EPA-416-998-001  
April 1999

U.S. EPA, Washington, DC 20460  
U.S. CPSC, Washington, DC 20537  
U.S. HUD, Washington, DC 20410

## What Does Lead PRE Require You to Do?

### For work in houses or individual apartments:

- Distribute the pamphlet, *Protect Your Family From Lead in Your Home*, to housing owners and occupants before starting renovations or repairs, AND
- Obtain confirmation of receipt of this pamphlet from owner and occupants (OR you may mail the pamphlet and obtain a certificate of mailing from the post office), AND
- Retain records for 3 years.

### For work in common areas of multi-family housing:

- Distribute renovation notices to tenants.
- Retain records for 3 years.

## What Work is Specifically Excluded from Lead PRE?

- Housing built in 1978 or later
- Housing for the elderly or disabled persons (unless children will reside there)
- Zero-bedroom dwellings (studio apartments, dormitories, etc.)
- Housing or components declared lead-free by a certified lead inspector or certified risk assessor
- Emergency renovations and repairs
- Minor repairs and maintenance that disturb 2 square feet or less of paint per component

**To find out more about Lead PRE or to obtain the Protect Your Family From Lead pamphlet:**

CALL: 1-800-424-LEAD  
VISIT: [www.epa.gov/lead](http://www.epa.gov/lead)  
CONTACT: Your EPA Regional Office



# Questions and Answers

## Pre-Renovation Lead Information Rule (TSCA 406B)

Following the questions and answers are several example scenarios.

**Q: What is the Pre-Renovation Lead Information rule?**

A: The Pre-Renovation Lead Information Rule (PLIR), also known as section 406(b) of the Toxic Substances Control Act, is a rule requiring people performing renovation for compensation to distribute a lead hazard information pamphlet prior to commencing the renovation.

**Q: Why is the Pre-Renovation Lead Information rule necessary?**

A: Through Title IV of the Toxic Substances Control Act, Congress directed EPA to address the public's risk of exposure to lead-based paint hazards through regulations, education, and other activities. Of particular concern to Congress were potential lead exposure risks that could occur during renovations of housing containing lead-based paint.

Congress believed that informed owners and occupants of housing slated for renovation could act to avoid lead exposure to themselves and their families. So Congress directed EPA to:

- create a lead hazard information pamphlet containing information on lead-based paint in housing, the risks of exposure, and the precautions for avoiding exposure
- issue PLIR so that compensated renovators would distribute the pamphlet to owners and occupants of most pre-1978 residential housing before beginning renovations

**Q: Does the Pre-Renovation Lead Information rule apply to me?**

A: If your job is for compensation and will require you to disturb more than 2ft<sup>2</sup> of paint in pre-1978 housing, then you are a renovator for the purposes of PLIR. This is not dependent upon whether what you do is typically considered a renovation. Whether you are a plumber, a drywaller, a painter, or an electrician, if your job requires that you disturb more than 2ft<sup>2</sup> of paint, then you must comply with PLIR.

The term compensation extends beyond money. Providing services in exchange for other services (e.g., bartering) is included within the term. PLIR applies to owners renovating their own apartment buildings using maintenance staff as well as neighborhood handymen providing services to those in the neighborhood for services or goods other than money.

Work that is performed for free (e.g., no exchange of money, goods, or services) or work performed by Do-It-Yourselfers in their own homes is not covered by PLIR. Work that is performed during an emergency (i.e., a hazardous, non-routine situation that could either threaten public health or cause substantial property damage) is also excluded from this rule.

**Q: What exactly do I have to do if the Lead Pamphlet Distribution rule applies to me?**

A: If you are performing a renovation in pre-1978 housing and that renovation will disturb more than 2 ft<sup>2</sup> of paint, then you must give the owner of the housing a copy of the pamphlet and get her acknowledgment of receipt. If the housing is tenant occupied, then in addition to giving a copy of the pamphlet to the owner, you must provide a copy to the tenant and get her signature as well. The same requirements apply to apartments in housing with more than four separate dwelling units.

If the renovation is to occur in a common area (e.g., laundry room, hallway, playground) of housing with more than four separate dwelling units, you must provide all residents of the building information on the timing and extent of the renovations slated to occur.

**Q: How do I get copies of the pamphlet?**

A: The pamphlet has been made available to the general public as well as the regulated community. Single copies of the pamphlet are available in both English and Spanish from the NLIC, by calling 1-800-424-LEAD. Multiple copies are available through the Government Printing Office (GPO), and may be ordered by calling the GPO Order Desk at (202) 512-1800, faxing (202) 512-2233, or writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Request the publication by title, Protect Your Family From Lead in Your Home, and/or GPO stock #055-000-00507-9.

**Q: When do I have to start complying with the Lead Pamphlet Distribution rule?**

A: PLIR is effective one year after the date of publication.

**Q: What if the tenant or owner won't accept or isn't home to accept the pamphlet?**

A: If the tenant or owner refuses or is unavailable to accept the pamphlet, PLIR allows for the renovator to certify the attempt. PLIR also allows the renovator to mail the pamphlet (at least 7 days prior to the renovation) if she purchases a certificate of mailing from the Post Office when mailing the pamphlet.

## **PRE-RENOVATION INFORMATION RULE EXAMPLES**

The following scenarios are designed to facilitate your understanding of how the Pre-Renovation Information Rule (PLIR- also known as the Toxic Substances Control Act (TSCA) §406(b) rule) requirements are likely to be met by regulated parties.

### **Background**

Jane General-Contractor has four impending contracts. One contract is for the re-shingling of the roof and re-painting of the exterior of a home. One contract is for the renovation of the interiors and shared entry-way foyer of a “duplex” (two separate dwelling units, typically one over the other, that occupy a single residential structure). Another contract is for the renovation of several apartments and the re-painting of the outdoor playground equipment of a large apartment building. The last contract is for the renovation of several apartments in a small, six-unit apartment building. Jane is aware of PLIR and plans to take the affirmative steps necessary to comply with the law.

### **Example 1 - The Home Renovation**

The first step that Jane takes is to determine whether PLIR is applicable to this job. Based upon a brief examination of her plans and a brief telephone discussion with the home owner, Jane knows:

- ! The re-painting will disturb more than 2 ft<sup>2</sup> of exterior paint
- ! The house was built in 1930
- ! The house exterior has not been inspected by a certified inspector
- ! This is not an “emergency” renovation

During a meeting to discuss the plans and costs with the homeowner, Jane gives the owner the lead hazard information pamphlet. The homeowner signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts. Jane returns to her office and files the certification, aware that the certification must be retained for three years. Jane has met the PLIR requirements.

### **Example 2 - The Duplex Renovation**

As described in Example 1, Jane acts to determine whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The renovation is likely to disturb more than 2ft<sup>2</sup> of paint inside dwelling unit 1
- ! The renovation will not disturb any paint inside dwelling unit 2
- ! The renovation will disturb more than 2ft<sup>2</sup> of the shared foyer paint
- ! The duplex was built in the 1950's
- ! The duplex has not been inspected by a certified inspector
- ! This is not an “emergency” renovation
- ! The owner does not live in the duplex
- ! The dwelling units in the duplex are rented to two families

During a meeting to discuss the plans and costs with the duplex owner, Jane gives the owner the lead hazard information pamphlet. The duplex owner then signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts. Jane files the certification.

A few days before the renovation, Jane sends an employee over to the duplex to take a few foyer measurements. She also directs the employee to deliver a lead hazard information pamphlet to an adult occupant of duplex unit 1 and gives him a checklist, a lead hazard information pamphlet, and a pamphlet receipt certification form.

The employee knocks on the door of duplex unit 1 and a child answers the door. After ascertaining that no adult is home, the employee slips the pamphlet under the door and makes note of the address, date, time, and that the pamphlet was delivered when only a child was present. That information is later used by Jane or the employee to complete a certification that a pamphlet was delivered to duplex unit 1 but that an acknowledgment could not be obtained due to the lack of an adult occupant at the time of delivery. Jane puts this certification in her filing cabinet.

Jane knows that she does not have to notify the duplex residents about the activities in the shared foyer of the duplex because the “common area” notification requirements are only applicable to a building with more than four dwelling units. Jane also knows that she does not have to provide a pamphlet to an occupant of duplex unit 2 because no paint will be disturbed. Jane is aware that she must retain the filed certifications for three years. Jane has met the PLIR requirements.

### **Example 3 - The Large Apartment Building Renovation**

As described in Example 1, Jane determines whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The apartment renovations are likely to disturb more than 2ft<sup>2</sup> of paint
- ! The re-painting of the playground equipment may disturb more than 2ft<sup>2</sup> of paint
- ! The building was built before 1969
- ! Neither the apartments nor the playground equipment have been inspected by a certified inspector
- ! This is not an “emergency” renovation

During a meeting to discuss the plans and cost with the building owner, Jane gives the building owner the lead hazard information pamphlet. The building owner then signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts.

Jane is aware of the fact that the playground is an apartment building common area. A few days before the scheduled re-painting of the playground equipment, Jane gives two employees several pamphlets and a stack of notices containing information on the general nature, location, and start/end dates of the re-painting. Jane, in creating the notices with a generous time line, has purposefully allowed for work delays. The notices also indicate that copies of the lead hazard information pamphlet can be obtained at the building’s management office. Jane directs the employees to “shove” a notice under the door of each apartment in the building. Jane further directs the employees to leave the pamphlets with the secretary of the owner’s on-site management office (per an agreement between Jane and the owner). After the employees return, Jane certifies a basic description of the steps taken to notify the residents about the playground re-painting activity.

Jane arranges that her secretary send a pamphlet to each to-be-renovated apartment via certificate of mailing at least a week before renovation begins. The secretary accomplishes this by working with the on-site foreman to track renovation progress in the preceding units. Ten days before the renovations are scheduled to begin in each unit, the secretary goes to the Post Office, and mails a pamphlet by purchasing a certificate of mailing from the teller,

Jane puts the common area certification and the certificate of mailing receipts in her filing cabinet, fully aware that they must be retained for three years. Jane has met the PLIR requirements.

### **Example 4 - The Small Apartment Building Renovation**

As described in Example 1, Jane determines whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The apartment renovations are likely to disturb more than 2ft<sup>2</sup> of paint
- ! The building was built in 1987
- ! This is not an “emergency” renovation

Jane correctly concludes that because the building was built after 1978, PLIR is not applicable.



# FACT SHEET

## EPA Releases Final Rule Requiring Distribution of Lead Hazard Information Prior to Renovations

### ACTION

A new EPA regulation will require renovators, working for compensation, to distribute a pamphlet to owners and occupants of most housing built prior to 1978 before commencing renovation activity. The pamphlet, entitled *Protect Your Family From Lead In Your Home*, discusses ways in which individuals can protect themselves and their families from lead-based paint hazards.

The pre-renovation lead information rule differentiates between renovation activities and excluded activities, such as routine maintenance or repair. Sanding, scraping, and other surface preparation activities that disrupt paint and generate dust are the two key sources of lead exposure during renovation.

Renovation activities that disrupt more than 2 square feet of paint per component will be covered by this rule. A general rule-of-thumb would be to include activities not specifically excluded in the rule, that disturb more than 2 square feet of a painted surface.

Specific exclusions include activities that are less likely to pose a risk of exposure to lead-based paint dust or other lead hazards. Prominent examples are minor housing repairs and maintenance activities, emergency renovation operations (specifically defined in the rule), and renovation activities that take place in housing that has already been determined by a certified inspector to be lead free.

The pre-renovation lead information rule will also require that before renovating common areas (e.g., hallways, stair wells) in multi-family housing, a renovator must inform building residents about the nature and extent of the renovations and make the pamphlet available in a central location.

### LEGAL AUTHORITY

In an effort to protect families from exposure to the hazards of lead-based paint, Congress amended the *Toxic Substances Control Act* (TSCA) in 1992 to add Title IV, entitled *Lead Exposure Reduction*. Title IV of TSCA directs EPA to address the general public's risk of exposure to lead-based paint hazards through regulations, education, and other activities. One particular concern of Congress and EPA is the potential lead exposure risks that can occur during renovations of housing containing lead-based paint unless certain safety measures are taken.

Recognizing that many families might be unaware that their homes might contain lead-based paint, section 406(a) of TSCA directed EPA to publish, after notice and comment, a lead hazard information pamphlet providing comprehensive information to the general public on lead-based paint in housing, the risks of exposure, and the precautions for avoiding exposure. Section 406(b) of the law directed EPA to issue regulations requiring that compensated renovators distribute the pamphlet to owners and occupants of most pre-1978 residential housing before beginning renovations (1978 is the year that lead-based paint was banned from residential use).

### PURPOSE

People have sometimes created a health hazard for their families without realizing it by disturbing surfaces containing lead-based paint during housing renovations. Activities like scraping, sanding, or using a heat gun on surfaces that contain lead-based paint can release large amounts of lead dust and fumes. Lead dust from renovations can remain in the home long after the work is completed.

EPA is promulgating this pre-renovation lead information rule to ensure that families are fully aware

of the importance of preventative measures to protect housing occupants before beginning renovations in housing that may contain lead-based paint.

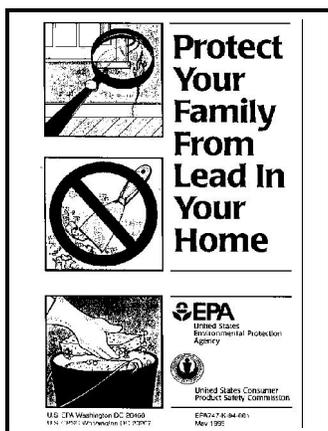
## LEAD HAZARDS IN HOUSING

Approximately three quarters of the nation's housing stock contains lead-based paint. When properly managed and maintained, this paint poses little risk. If improperly managed, however, lead from paint can threaten the health of occupants, especially children under 6 years of age. Over time, low-level exposure to lead from paint, dust, and soil can cause a range of health problems including permanent damage to the brain, nervous system and kidneys. In sufficient levels, lead can also cause health problem in adults. Because of its effects on fetal development, lead exposure can also be harmful to pregnant women and women of child-bearing age. Such exposure is largely preventable if individuals take precautionary measures.

## PUBLIC COMMENT

EPA published a proposed section 406(b) rule in March 1994. Approximately 30 comments were received in response from such groups as associations representing builders and renovators, State and local health officials, and consumer advocacy groups. The final pre-renovation lead information rule will impose requirements on a large number of businesses and self-employed individuals. While this rule's requirements are minor, its effectiveness is dependent on the regulated community's understanding of their obligations.

## LEAD HAZARD PAMPHLET



EPA developed a lead hazard information pamphlet entitled *Protect Your Family From Lead In Your Home*. This pamphlet provides families with prevention tips on reducing exposure to lead hazards from various sources.

## FOR MORE INFORMATION

For a copy of *Protect Your Family from Lead in Your Home* (in English or Spanish) or the rule call the National Lead Information Center at 1-(800) 424-LEAD.

Bulk copies of the pamphlet are available from the Government Printing Office (GPO) at (202) 512-1800. Refer to the complete title or GPO Stock Number 055-000-00507-9. The price is \$26.00 for a pack of 50 copies. Alternatively, persons may reproduce the pamphlet, for use or distribution, providing that the text and graphics are reproduced in full. Camera-ready copies of the pamphlet are available from the National Lead Information Center.

For specific questions about lead-based paint and lead-based paint hazards, call the National Lead Information Center at 1-(800) 424-LEAD.

The EPA pamphlet and rule are available electronically and may be accessed through the Internet at the following URL: <http://www.epa.gov/lead>

## EFFECTIVE DATE

June 1, 1999

# The Lead-Based Paint Pre-Renovation Education Rule

A Handbook for Contractors, Property  
Managers, and Maintenance Personnel

*Summary of Requirements Under  
Section 406(b) of the Lead-Based Paint  
Hazard Reduction Act of 1992*

INTERIM EDITION — JUNE 1999

Prepared by the

**Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
Washington, D.C. 20460**

**Note:**

*This Interim Edition of the handbook is being made available to increase public awareness and understanding of the rule requirements pending publication of the Final Edition of this handbook. While every effort has been made to make this handbook accurate and specific to individual circumstances, this handbook does not replace the definitive language of the official rule. Users are encouraged to obtain the official rule from the information sources described on page 6 of the handbook.*

## What Is The Lead-Based Paint Pre-Renovation Education Rule (Lead PRE)?

- The Lead PRE Rule is a Federal regulation affecting construction contractors, property managers, and others who perform **renovations** for **compensation** in residential housing that may contain lead-based paint.
- It applies to residential houses and apartments built before 1978.
- It requires distribution of the **lead pamphlet**, *Protect Your Family from Lead in Your Home*, to the owners and occupants before starting **renovation** work.
- **Renovation** includes most repair, remodeling, and maintenance activities that disturb painted surfaces.
- Lead PRE implements Section 406(b) of the Toxic Substances Control Act (TCSA).

## About This Handbook

- This handbook summarizes Lead PRE and how to comply with it. To ensure compliance, you should also read the rule.
- Key terms are highlighted in **bold** and are explained on pages 8-10.

## Who Should Read This Handbook?

- Anyone who owns or manages housing built before 1978.
- Contractors who perform **renovations** (including certain repairs and maintenance) which disturb paint in homes built before 1978.

## How Can This Handbook Help Me?

- This handbook presents simple steps to follow to comply with Lead PRE. It also lists ways these steps can be easily incorporated into your work.
- Having demonstrated knowledge of lead requirements and safety practices can mean more business for you.
- Distributing the **lead pamphlet** to your customers and tenants can help them protect themselves and their children from the hazards of lead-based paint.
- This handbook describes the law. It also explains the proper steps to take to avoid potentially significant civil (monetary) and criminal fines and penalties.

## What Does Lead PRE Require Me To Do?

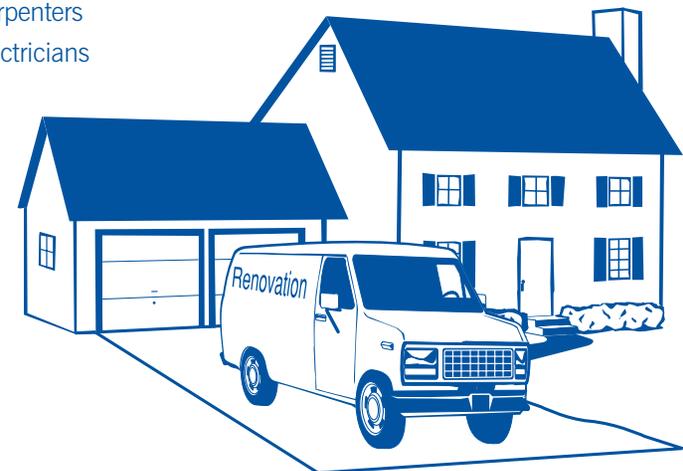
1. Distribute a **lead pamphlet** to the housing **owner** and occupants before **renovation** starts.
2. Obtain **confirmation of receipt of lead pamphlet** (see page 11) from owner and occupants or a **certificate of mailing** from the post office.
3. For work in **common areas** of **multi-family housing**, distribute **renovation notices** to tenants.
4. Retain records for 3 years.

(See page 4 for more details)

## Who Must Follow These Requirements?

In general, anyone whose compensated work disturbs paint in housing built before 1978, including:

- Residential rental property owners/managers
- **General contractors**
- **Special trade contractors**, including
  - Painters
  - Plumbers
  - Carpenters
  - Electricians



**Bold Type** = Key Terms (see pages 8–10)

## What Types Of Activities Are Subject To Lead PRE?

In general, any activity that disturbs paint in pre-1978 housing, including:

- Remodeling and repair/maintenance
- Plumbing
- Carpentry
- Electrical work
- Painting
- Window replacement

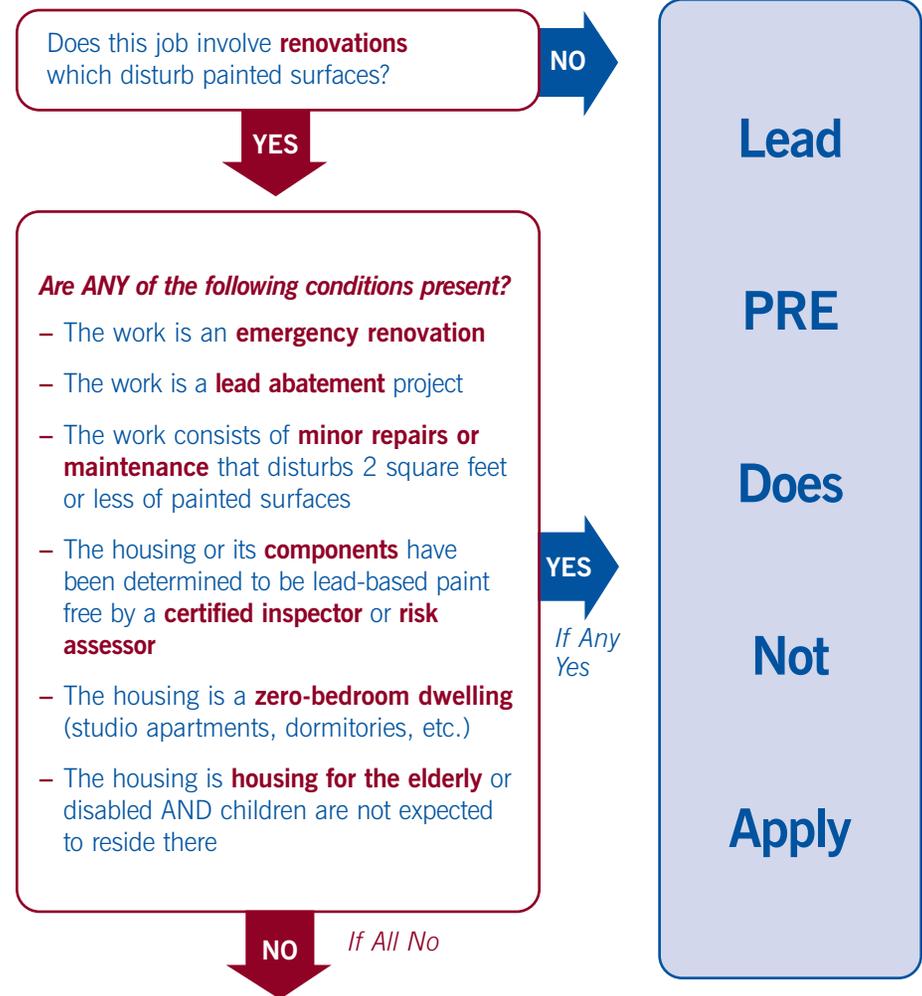


## What Housing Or Activities Are Excluded From Lead PRE?

- Housing built in 1978 or later
- **Housing for the elderly** or disabled persons (unless children will reside there)
- **Zero-bedroom dwellings** (studio apartment, dormitories, etc.)
- Housing or **components** declared lead-free by a **certified inspector** or **risk assessor**
- **Emergency renovations** and repairs
- **Minor repairs and maintenance** that disturb two square feet or less of paint per **component**

## Lead PRE At-A-Glance

If you will be working for **compensation** in a pre-1978 home or apartment building, answer the questions below to determine if Lead PRE requires you to give the **lead pamphlet** to the **owner** and occupants.



*If no, then you need to provide the lead pamphlet (see page 4).*

## How Do I Meet The Lead PRE Requirements?

### Renovation Location

### Procedures to Follow

#### Box 1

Deliver **lead pamphlet** to **owner** before **renovation** begins and obtain **confirmation of receipt**.

OR

Mail lead pamphlet to owner 7 days before renovation begins and document with **certificate of mailing** (*sample form on page 11*).

#### Box 2

1. Provide **lead pamphlet** to **owner** using either procedure described in Box 1 above.
2. Provide lead pamphlet to tenant by either method below:

(a) Deliver pamphlet to dwelling unit before **renovation** begins and document delivery with either a **confirmation of receipt** of lead pamphlet or a **self-certification of delivery**.

OR

(b) Mail lead pamphlet to tenant at least 7 days prior to renovation and document with a **certificate of mailing** (*sample form on page 11*).

#### Box 3

1. Provide **owner** with **lead pamphlet** using either procedure described in Box 1 above.
2. Notify tenants and make pamphlet available.
3. Maintain written documentation describing notification procedures.
4. Provide **supplemental renovation notice** if changes occur in location, timing, or scope of renovation occurring.

Renovations in Owner-Occupied Dwelling Units

Renovations in Tenant-Occupied Dwelling Units

Renovations in Common Areas of Multi-Family Housing Units

*For all options keep records for 3 years after renovation is completed. (Sample Forms on pages 11 and 12.)*

## Special Circumstances

### Is painting considered renovation, even if no surface preparation activity occurs?

No. If the surface to be painted is not disturbed by sanding, scraping, or other activities that may cause dust, the work is not considered renovation and Lead PRE does *not* apply.

### What if I renovate my own home?

Lead PRE applies only to **renovations** performed for **compensation**; therefore, if you work on your own home Lead PRE does not apply.

### Is a renovation performed by a landlord or employees of a property management firm considered a compensated renovation under Lead PRE?

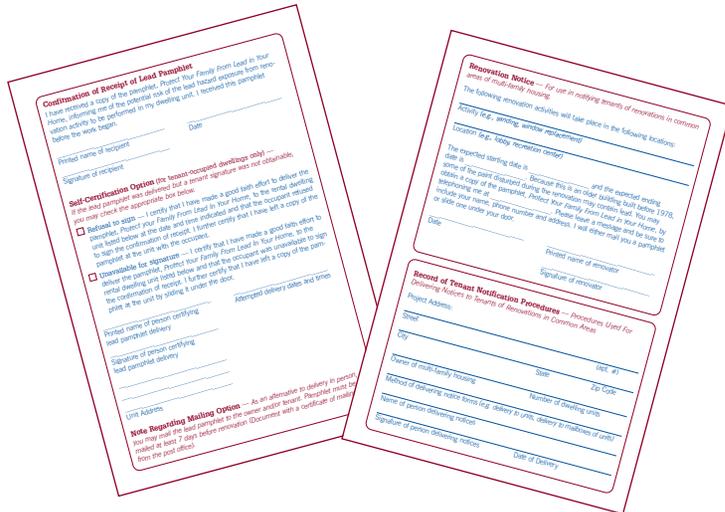
Yes. The receipt of rent payments or salaries derived from rent payments is considered **compensation** under Lead PRE. Therefore, **renovation** activities performed by landlords or employees of landlords are covered.

### Do I have to give out the lead pamphlet 7 days prior to beginning renovation activities?

The 7-day advance delivery requirement applies only when you deliver the **lead pamphlet** via mail; otherwise, you may deliver the pamphlet *anytime* before the **renovation** begins. Note, however, that the renovation must begin within 60 days of the date that the pamphlet is delivered. So for example, if your renovation is to begin May 30, you may deliver the pamphlet in person anytime between April 1 and start of the project on May 30, or you may deliver the pamphlet via mail anytime between April 1 and May 23.

## Tips For Easy Compliance

1. Copy and use the sample forms on pages 11 and 12 of this handbook.
2. Attach the forms to the back of your customer **renovation** or repair contracts. The completed forms can be filed along with your regular paperwork.
3. If a tenant is not home or refuses to sign the form, you may use the “self-certification” section of the form (*on page 11*) to prove delivery. This will reduce your paperwork.
4. Plan ahead to obtain enough copies of the **lead pamphlet**.



## Where Can I Obtain More Information on Lead PRE?

Further information is available from the National Lead Information Clearinghouse (800-424-LEAD) or through the Internet ([www.epa.gov/lead](http://www.epa.gov/lead)). Available resources include:

- Full text version of Lead PRE
- Interactive software which guides the users through the Lead PRE requirements on a step-by-step basis (*available in late June*)
- Interpretive guidance which provides more detailed information on Lead PRE requirements

## Why is Lead Paint Dangerous?

People can ingest lead by breathing or swallowing lead-based paint dust or by eating lead-contaminated soil or lead-based paint chips. Household animals are also at risk.

**If not detected early, high levels of lead in a child can cause serious effects, including:**

- Damage to the brain and nervous system
- Behavior and learning problems
- Slowed growth
- Hearing problems
- Headaches



**Lead is also harmful to adults and can, among other effects, cause:**

- Difficulties during pregnancy
- Other reproductive problems for men and women
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain



**Lead can be dangerous to workers and their families if the worker brings equipment and clothing home after a job.**

## Other Resources

For additional information on how to protect yourself and your customers from lead paint hazards, call the National Lead Information Clearinghouse at 1-800-424-LEAD. Available documents include:

- *Lead-Based Paint: Operations and Maintenance Work Practices Manual for Homes and Buildings*
- *Lead Safety for Property Owners, Developers, and Managers*
- *Reducing Lead Hazards When Remodeling Your Home*
- *Lead in Your Home: A Parents' Reference Guide*
- *Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work*

## Key Terms

**Certificate of Mailing** — written verification from the Postal Service that you mailed the lead pamphlet to an owner or a tenant. This is less expensive than certified mail, which is also acceptable for meeting Lead PRE requirements. (**Note:** *If using this delivery option, you must mail the pamphlet at least 7 days prior to the start of renovation.*)

**Certified Inspector or Risk Assessor** — an individual who has been trained and is certified by EPA or an authorized state or Indian Tribe to conduct lead-based paint inspections or risk assessments.

**Common Area** — a portion of a building that is generally accessible to all residents or users. Common areas include (but are not limited to) hallways, stairways, laundry rooms, recreational rooms, playgrounds, community centers, and fenced areas. The term applies to both interiors and exteriors of the building. (**Note:** *Lead PRE requirements related to common areas apply only to multi-family housing.*)

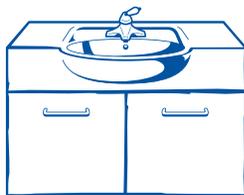
**Compensation** — payment or goods for services rendered. Payment can be in the form of money, goods, or services (bartering).

**Component** — specific design or structural element or fixture distinguished by its form, function, and location. A component can be located inside or outside the dwelling.

### Examples

#### Interiors

Ceilings  
Crown molding  
Walls  
Doors and trim  
Floors  
Fireplaces  
Radiators  
Shelves  
Stair treads  
Windows  
and trim  
Built-in cabinets  
Beams  
Bathroom vanities  
Counter tops  
Air conditioners



#### Exterior

Painted roofing  
Chimneys  
Flashing  
Gutters and  
downspouts  
Ceilings  
Soffits  
Doors and trim  
Fences  
Floors  
Joists  
Handrails  
Window sills and sashes  
Air conditioners



**Confirmation of Receipt of Lead Pamphlet** — a form that is signed by the owner or tenant of the housing confirming that they received a copy of the lead pamphlet before the renovation began. (See *sample on page 11.*)

## Key Terms (continued)

**Emergency Renovation** — unplanned renovation activities done in response to a sudden, unexpected event which, if not immediately attended to presents a safety or public health hazard, or threatens property with significant damage.

**Examples 1:** *Renovation to repair damage from a tree that fell on a house*  
**2:** *Renovation to repair a water pipe break in an apartment complex*

**General Contractor** — one who contracts for the construction of an entire building or project, rather than for a portion of the work. The general contractor hires subcontractors (e.g. plumbing, electrical, etc.), coordinates all work, and is responsible for payment to subcontractors.

**Housing for the Elderly** — retirement communities or similar types of housing specifically reserved for households of one or more persons 62 years of age or older at the time the unit is first occupied.

**Lead Abatement** — work designed to permanently eliminate lead-based paint hazards. If you are hired to do lead-abatement work only, Lead PRE does not apply. Abatement does not include renovation, remodeling, landscaping, or other activities done to repair, restore, or redesign a given building — even if these activities incidentally reduce lead-based paint hazards. (**Note:** *Some states define this term differently than described above. Consult your state officials if you are not sure how “lead abatement” is defined in your state.*)

**Lead Pamphlet** — the pamphlet *Protecting Your Family From Lead in Your Home*, or an EPA-approved alternative pamphlet. (See *page 13 for information on obtaining copies.*)

**Minor Repair and Maintenance** — minor repair and maintenance activities, such as minor electrical work or plumbing, that disturb two square feet or less of painted surface per component.

**Examples 1:** *Drilling holes in the wall to run an electrical line*  
**2:** *Replacing a piece of window trim*  
**3:** *Replacing a light fixture*

**Multi-family Housing** — housing property consisting of more than four dwelling units.

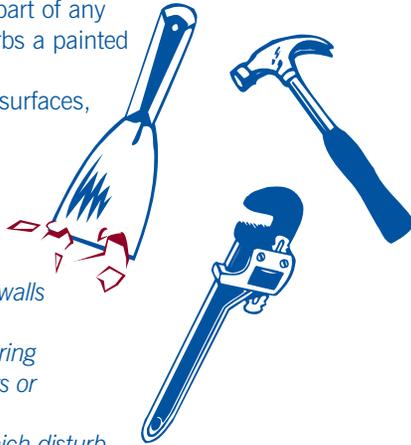
**Owner** — any person or entity that has legal title to housing, including individuals, partnerships, corporations, government agencies, Indian Tribes, and nonprofit organizations.

**Record of Notification** — written statement documenting the steps taken to notify occupants of renovation activities in common areas of multi-family housing. (See *page 12 for sample.*)

## Key Terms (continued)

**Renovation** — modification of all or part of any existing structure in housing that disturbs a painted surface. Includes:

- Removal/modification of painted surfaces, components, or structures
- Surface preparation activities (sanding/scraping/other activities that may create paint dust)
- Window replacement



- Examples 1:** Demolition of painted walls or ceilings  
**2:** Large surface replastering  
**3:** Major plumbing repairs or improvements  
**4:** Any other activities which disturb painted surfaces

**Renovation Notice** — notice to tenants of renovations in common areas of multifamily housing. (See sample form on page 12.) Notice must describe nature, location, and expected timing of renovation activity; and must explain how the lead pamphlet may be obtained free of charge.

**Renovator** — a person who performs for compensation a renovation, as defined above. (**Note:** Because the term “renovation” is defined broadly by Lead PRE, many contractors who are not generally considered to “renovators,” as that term is commonly used, are considered to be “renovators” under Lead PRE, and must follow Lead PRE requirements.)

**Self-Certification of Delivery** — an alternative method of documenting delivery of the lead pamphlet to a tenant. This method may be used whenever the tenant is unavailable or unwilling to sign a confirmation of receipt of lead pamphlet. (See sample form on page 11.) (**Note:** This method is not a permissible substitute for delivery of the lead pamphlet to an owner.)

**Special Trade Contractors** — individuals or companies performing work in specialized occupations such as painting, electrical work, plumbing, or carpentry.

**Supplemental Renovation Notice** — additional notification that is required when the scope, location, or timing of project changes.

**Zero-Bedroom Dwelling** — any residential dwelling where the living area is not separated from the sleeping area. This term includes efficiency and studio apartments, dormitory housing, and military barracks.

## Sample Forms

The forms on the next two pages are sample forms you can use to make documentation of compliance easier.

### Confirmation of Receipt of Lead Pamphlet

I have received a copy of the pamphlet, *Protect Your Family From Lead in Your Home*, informing me of the potential risk of the lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

Printed name of recipient

Date

Signature of recipient

### Self-Certification Option (for tenant-occupied dwellings only) —

If the lead pamphlet was delivered but a tenant signature was not obtainable, you may check the appropriate box below.

- Refusal to sign** — I certify that I have made a good faith effort to deliver the pamphlet, *Protect your Family From Lead In Your Home*, to the rental dwelling unit listed below at the date and time indicated and that the occupant refused to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit with the occupant.
- Unavailable for signature** — I certify that I have made a good faith effort to deliver the pamphlet, *Protect Your Family From Lead In Your Home*, to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit by sliding it under the door.

Printed name of person certifying lead pamphlet delivery

Attempted delivery dates and times

Signature of person certifying lead pamphlet delivery

Unit Address

**Note Regarding Mailing Option** — As an alternative to delivery in person, you may mail the lead pamphlet to the owner and/or tenant. Pamphlet must be mailed at least 7 days before renovation (Document with a certificate of mailing from the post office).

## Sample Forms (continued)

**Renovation Notice** — For use in notifying tenants of renovations in common areas of multi-family housing.

The following renovation activities will take place in the following locations:

\_\_\_\_\_

Activity (e.g., sanding, window replacement)

\_\_\_\_\_

Location (e.g., lobby, recreation center)

The expected starting date is \_\_\_\_\_ and the expected ending date is \_\_\_\_\_. Because this is an older building built before 1978, some of the paint disturbed during the renovation may contain lead. You may obtain a copy of the pamphlet, *Protect Your Family From Lead in Your Home*, by telephoning me at \_\_\_\_\_. Please leave a message and be sure to include your name, phone number and address. I will either mail you a pamphlet or slide one under your door.

\_\_\_\_\_

Date

\_\_\_\_\_

Printed name of renovator

\_\_\_\_\_

Signature of renovator

**Record of Tenant Notification Procedures** — Procedures Used For Delivering Notices to Tenants of Renovations in Common Areas

Project Address:

\_\_\_\_\_ (apt. #)

Street

\_\_\_\_\_

City State Zip Code

\_\_\_\_\_

Owner of multi-family housing Number of dwelling units

\_\_\_\_\_

Method of delivering notice forms (e.g. delivery to units, delivery to mailboxes of units)

\_\_\_\_\_

Name of person delivering notices

\_\_\_\_\_

Signature of person delivering notices Date of Delivery

## Where Can I Get Copies of the Lead Pamphlet?

For single copies of *Protect Your Family From Lead in Your Home* (in Spanish or English), call the National Lead Information Clearinghouse (NLIC) at 1-800-424-LEAD. For any orders, be sure to use the stock reference number **EPA747-K-99-001**.

There are four ways to get multiple copies:

1. Call the Government Printing Office order desk at **(202) 512-1800**.
2. Send fax requests to **(202) 512-2233**.
3. Request copies in writing from:  
**Superintendent of Documents**  
**P.O. Box 371954**  
**Pittsburgh, PA 15250-7954**
4. Obtain via the Internet at **www.epa.gov/lead**

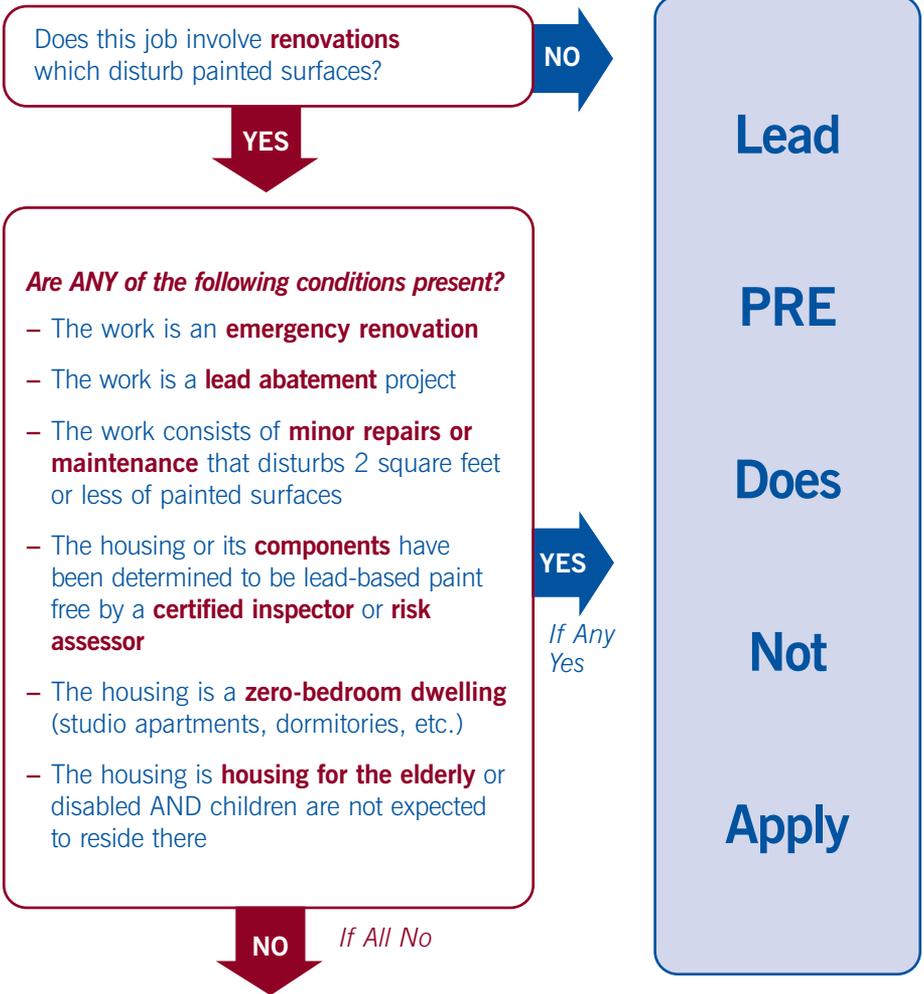
Single copies are available at no charge. Bulk copies available in packs of 50.

**The pamphlet may be photocopied for distribution as long as the text and graphics are readable. Camera-ready copies are available from NLIC or via the Internet.**



# The Lead Pre-Renovation Education Rule (Lead PRE) At-A-Glance

If you will be working for **compensation** in a pre-1978 home or apartment building, answer the questions below to determine if Lead PRE requires you to give the **lead pamphlet** to the **owner** and occupants.



***If no, then you need to read this book!  
Rental property owners and managers,  
renovators, and maintenance personnel  
are affected by Lead PRE.***

**Bold Type** = Key Terms (see pages 8–10 inside)

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

PART I

May 28, 1999  
[Revised June 25, 1999]

Prepared by the

Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
Washington, D.C. 20460

**1. When a home or an apartment unit is re-painted in preparation for a new tenant, is the painting activity always considered a “renovation” for purposes of the 406(b) rule even if no surface preparation activity is performed prior to painting ?**

No. The primary determinant of whether a given activity constitutes a “renovation” under the rule is whether that activity disturbs painted surfaces. The practice of recoating painted surfaces in preparation of new tenants would not constitute “renovation” unless accompanied by surface preparation activities (sanding, scraping, or other activities that may generate paint dust). Minor “spot” scraping or sanding can qualify for the exemption from the rule for “minor repair and maintenance activities” if no more than 2 square feet of paint is disturbed on any component to be painted. (See question 5 below for further explanation of that exemption). Washing down of walls or other components prior to painting does not constitute “surface preparation” for purposes of the rule.

**2. If the letter of the regulation is strictly followed, tenants in a large apartment complex will receive several notices regarding repairs to common areas every month, sometimes several in a single week. Is there anyway to avoid such duplication?**

EPA believes that in enacting section 406(b) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, Congress intended to provide persons residing in both single family and multi-family housing with information needed to protect against exposure to lead-based paint and lead-based paint hazards during renovations. In multi-family housing, advance knowledge of location and timing of renovation activities in lobbies, hallways, and other common areas is essential for residents wishing to minimize exposures to lead, especially those residents with young children. At the same time, however, neither residents nor owners/managers are well-served if duplicative notifications are issued repeatedly for essentially similar renovation activities. For this reason, EPA wishes to encourage owners/managers to use one or more of the methods described below to provide residents with needed information in the most efficient manner.

(1) **Category Notices** – When renovation activities fall within distinct categories which are performed on a cyclical or recurring basis (e.g., hallway painting), they may be grouped into a single notice which describes the categories and provides a description of the locations affected. To fulfill the requirement for providing timing information for the renovations, owners/managers may either list the expected starting and ending dates, or employ one of the other methods for meeting the timing requirements described below.

(2) **Bi-monthly Notices** – Section 745.85(a) of the rule requires that notifications be

given no more than 60 days before renovation activities begin. To minimize the number of notices required, owners/managers may group all of the renovation activities expected to occur over a 60-day period into a single notice distributed bi-monthly (every other month). Renovation activities which were expected to occur within a given 60-day period, but which were canceled or postponed, would simply be addressed in the subsequent bi-monthly notice. Including renovation notices in, or as an attachment to, a pre-existing newsletter is acceptable provided that the cover of the newsletter prominently indicates that lead-based paint renovation notices are contained in or attached to the newsletter.

**(3) Descriptions of Renovation Timing** -- Section 745.85(b)(2) of the rule requires that notices contain the “expected starting and ending dates” of the proposed common area renovations. Although providing specific dates is preferable wherever possible, the Agency is aware that unexpected events or circumstances often result in delays and/or cancellations of planned renovation activities. To provide sufficient flexibility without unduly compromising residents’ rights to information on timing of renovations in common areas, owners/managers may employ the following terminology to address the following timing scenarios to avoid the needing to issue supplemental notices:

--“On or about” -- acceptable when the expected starting or ending dates occurs one week before or after the date given.

--“Early [insert month name]” -- acceptable when the expected starting or ending dates occurs during the first half of the specified month.

--“Late [insert month name]” -- acceptable when the expected starting or ending dates occurs during the second half of the specified month.

--“Ongoing for the 12-month period beginning [insert month name]” -- acceptable when the renovation commences within 60 days of the issuance of the notice and continues throughout the 12-month period. If an interruption of more than 60 days occurs anytime after commencement of such activity, a new notice will be required before the activity may restart.

**(4) Descriptions of Renovation Ending Dates** -- Due to the inherent difficulties in estimating the duration of many renovation activities, owners/managers are encouraged to make allowances for unexpected delays when providing descriptions of ending days under Section 745.85(b)(2) of the rule. Any estimated ending date with a rational basis is acceptable.

**3. Pamphlet distribution requirements may interfere with prompt responses to maintenance/repair requests. Specifically, the requirement for obtaining a tenant's signature on an acknowledgment of receipt prior to commencement of the work may delay the repairs for a day or more.**

EPA believes that potential delays in making requested repairs can be readily avoided either through minor revisions of existing administrative procedures or by employing the “self-certification” delivery procedures enumerated in section 745.85(a)(2) of the rule. *[Regarding the former, an owner/manager may attach or incorporate the required 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.]* Alternatively, the self-certification provisions provide that a person delivering a pamphlet to a unit where an adult occupant is unavailable for signing an acknowledgment may sign and date a statement attesting to that unavailability and to the delivery of the pamphlet to the unit. Owners/managers are reminded that they may also employ the “emergency renovation operations” exemption under section 745.82 where the needed repairs pose a safety or health hazard, or threaten significant equipment or property damage. See section 745.83 for the specific definition of this term.

**[NOTE: The bracketed language in italics above contains incorrect information regarding timing of pamphlet delivery. Consult the June 25, 1999 Correction and Clarification for amended guidance.]**

**4. Must notifications for common area renovations be provided to every unit in a multifamily housing complex in all cases?**

Section 745.85(b)(2) states that notification of renovations in common areas of multi-family housing “shall be accomplished by distributing written notice to each affected unit.” (Emphasis added). In most cases where such renovations are performed, all units in the housing are “affected units” because a common area is, by definition, “a portion of a building that is generally accessible to all occupants.” Section 745.103. In some limited instances in large apartment buildings, however, EPA recognizes that certain areas of the building, while meeting the literal definition of a common area, are, in practice, used almost exclusively by an identifiable subset of tenants, e.g., a hallway on an upper floor of a multi-story building. EPA believes that providing notices to every unit in a large building when renovations are occurring in only one such “limited use common area” is unduly burdensome and does not result in appreciable reductions in lead exposures. Therefore, for purposes of this rule, EPA will interpret the common area notification requirements of the rule as follows: First, where renovation activity takes place in an area within a common area which is used almost exclusively by an identifiable subset of residents of a large apartment building, the Agency will interpret the term “affected units” to refer only to those units

serviced by, or in close proximity to, the limited use common area. Second, the term “large apartment building” shall mean multifamily housing with 50 or more dwelling units. EPA believes that need for special treatment for limited use common areas is less compelling when dealing with apartment buildings with fewer than 50 units because (1) the burden of providing notifications to every unit in the building is not unreasonable, and (2) in general, there are fewer areas within smaller apartment buildings which would meet the criteria for a limited use common area designation. Third, to ensure notification of tenants who may enter a limited use common area but are not among the subset of tenants identified for individual notification, the renovator must post placards at all accessible entrances to the renovation work site which prominently conveys the same information required under section 745.85(b)(2).

**5. Please provide guidance on how the Agency will interpret the exemption for “minor repair and maintenance activities,” e.g., what constitutes a “component”? May the 2 square feet value be aggregated among several components? Does the exemption apply to window replacement activities?**

The exemption applies to “minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt 2 square feet or less of painted surface per component.” 40 C.F.R. section 745.82(b)(1). The term “component[s]” is defined, in relevant part, in the section 402 rule as

“ . . . specific design or structural elements or fixtures of a . . . dwelling . . . that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or wells, and air conditioners.” 40 C.F.R. 745.223

The Agency wishes to emphasize several aspects of this exemption which have been overlooked by some readers of the final rule. First, the central tenet of the exemption was that it was designed to apply only to activities which can reasonably be characterized as “minor repair and maintenance.” Any over-emphasis on the mechanics of the exemption serves to inappropriately divert attention from the central purpose of the exemption: to provide regulatory relief for those activities which are truly minor in scope. Common examples of the types of activities the Agency

wanted to exempt in the final rule were repairs to electrical outlets and switches, replacement/repair of plumbing fixtures, and spot repairs of painted walls, ceilings, trim, and molding. Second, the exemption was not intended to provide an avenue to circumvent the requirements of the rule; some have questioned the permissibility of dividing up a renovation project into separate sub-projects, each of which disturbs 2 square feet or less of painted surfaces, or of multiplying the number of components in a room by 2 square feet to come up with an overall *de minimis* value . If any aspect of a renovation project results in disturbance of more than 2 square feet on any component in the area renovated, the entire project is subject to the rule. Finally, EPA wishes to clearly state that window replacements do not qualify for this exemption to the rule because (a) the definition of the term “renovation” specifically includes window replacement; and (b) replacement of a window(s) cannot reasonably be classified as “minor repair and maintenance activities.”

**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**

June 25, 1999

Prepared by the

Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
Washington, D.C. 20460

## **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.

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

PART II

October 15, 1999

Prepared by the

Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
Washington, D.C. 20460

[See Part I for questions 1. - 5.]

**6. Who is responsible for providing required notifications when multiple contractors are involved in a given renovation?**

If the renovation activity on a given job is overseen by a general contractor, the general contractor is considered to be the “renovator” under the rule, and thus is responsible for ensuring that the requirements of the rule are met. A subcontractor would not be considered a “renovator” so long as he/she has no direct contractual relationship with the property owner or manager relating to the given job. If a general contractor is not involved, any contractor who performs work on a job which constitutes “renovation” under the rule is responsible for complying with the information distribution and recordkeeping requirements of the rule. However, after those requirements have been met by one contractor on a given job, subsequent contractors working on the same job need not provide additional distributions/notifications. To verify that an earlier contractor has complied with the rule, subsequent contractors are advised to personally review and, if possible, obtain copies of pamphlet delivery confirmations and related records. If such records or copies thereof are not present at the job site or otherwise not readily available, however, subsequent contractors may rely upon representations by the earlier contractor, a property manager, or a property owner that the rule requirements have been met, provided that such representations are documented in writing and signed by the party making the representations. Subsequent contractors who rely upon verbal representations of a prior contractor’s compliance with the rule may be held liable for non-compliance if those representations are incorrect.

**7. If an outside contractor is hired to perform a renovation in an apartment building, can the contractor effect delivery of the lead hazard pamphlet to the owner of the building via the property manager?**

The statutory language of section 406(b) specifically requires that the pamphlet be provided to both owners and occupants of target housing. This provision underscores the importance of notifying building owners of the potential hazards of lead-based paint during renovations. Awareness of these potential hazards helps not only to ensure protection of tenants, but also to alert building owners of potential liabilities if appropriate work practices are not followed. In many apartment buildings, however, it is the property managers who are the day-to-day operators of the facilities, and as such, they are acting in the capacity of agents for the building owners. For this reason, EPA believes it is appropriate to permit a property manager to receive, and acknowledge receipt of, the lead hazard pamphlet on behalf of the owner.

In situations where property managers or their employees are performing the renovations themselves, they are acting both as “renovators” and as agents for the owner under the rule, and thus no separate action is required to satisfy the requirement to deliver the lead hazard pamphlet to the owner because documents in the possession of an agent are deemed to be also on the

possession of the person or entity represented by the agent.

**8. Is a renovation performed by a landlord or by employees of a management firm considered a “compensated” renovation under the rule?**

Yes. By paying rent, tenants are, in virtually all instances, contracting for both the right to occupy a unit, and for repair/maintenance services to the unit. Therefore, even though money does not typically change hands at the time repair or maintenance services are rendered, such services, if they meet the definition of “renovation” under the rule, are considered to be compensated renovations for purposes of section 406(b).

**9. Is the installation of new exterior siding over an existing painted surface considered a “renovation” under the rule?**

Installation of new exterior siding requiring any removal or modification of existing painted surfaces or painted components to ensure a uniform and structurally secure underlayment for the new siding is considered “renovation” under the section 406(b) rule. In some cases, however, installation activities consist solely of attaching the new siding to the existing painted surface or structural members under the existing painted surface with nails, screws, or other fastening devices or materials. In these cases, the Agency believes that the disturbance to the existing painted surfaces is minimal, and therefore does not consider these latter types of re-siding activities to be “renovation” for purposes of the section 406(b) rule.

**10. Does the “limited uses common area” rule discussed in the Part I Interpretive Guidance (question no. 4) apply to multi-building apartment complexes?**

Yes. The Agency determined that it was reasonable to permit alternative notification procedures in large apartment buildings where the renovations were occurring in an area within a common area which is used almost exclusively by an identifiable subset of residents. The Agency stated that in such “limited use common areas”, the section 406(b) notification requirements would be satisfied if (1) individual renovation notices were distributed to those units serviced by, or in close proximity to, the limited use common area, and (2) placards were posted at all accessible entrances to the renovation work site which prominently conveyed the information required under section 745.85(b)(2) of the regulations. The Agency believes that the same logic should be applied to multi-building apartment complexes; therefore, whenever a renovation occurs in a limited use common area, multi-building apartment complex comprised of 50 or more dwelling units on a contiguous site, the notification procedures described above are adequate under the

rule.

**11. Is the exterior of a building included within the meaning of a “common area”? If an apartment complex consists of several separate buildings, does a common area renovation in one building trigger the requirement to notify tenants in all buildings?**

The examples cited in the definition of the term “common area” under section 745.103 clearly indicate that both interiors and exteriors of buildings are included within the meaning of the term. If a renovation is being performed in a common area on the interior of one building in a multi-building complex, then only the units located in that building need to receive renovation notices. If the renovation is being performed on the exterior of one of the buildings or elsewhere on the complex grounds, however, written notice of the renovation must be provided to every unit in the complex unless the renovation is occurring in an area which qualifies as a “limited use common area” as described in questions 4 and 9 above.

**12. If renovation activity is being performed on a balcony of a unit, does that activity trigger the common area notification requirements?**

Under section 745.103 of the rule, a “common area” is defined as “a portion of a building that is generally accessible to all occupants.” A balcony which is generally accessible only by the occupants of an individual dwelling unit does not fall within this definition. Therefore, renovation activities taking place within the confines of a balcony would be subject only to the requirements applicable to renovations within an individual unit. Note, however, that if such renovations are not confined to the balcony, i.e., result in the release of dust, paint chips, or other construction debris to the outside of the building, the persons performing the renovation would be required to follow the rule requirements applicable to renovations in common areas.

**13. Can common area renovation notices be delivered to the mailboxes of a unit, or only to the unit itself?**

The requirement to distribute common area renovation notices to dwelling units in multi-family housing may be satisfied either through delivery of the notices directly to tenant units or through delivery to tenant mailboxes. If mailbox delivery is used, both hand delivery and delivery via U.S. mail is acceptable; however, U.S. mail deliveries must be sent 7 days prior to the commencement of renovations and documented with a certificate of mailing.

**14. If you “seal off” a common area for the duration of a renovation, does the renovator**

**still have to provide notifications to all tenants?**

When tenant accessibility to a work site within a common area can be precluded for the duration of a renovation, the Agency considers that work site to be temporarily excluded from the common area of the building because it is not accessible to the residents and users of the building. To qualify for this exclusion, however, the work site must be in an area which is enclosed by a wall, fence, or other permanent or temporary physical barrier which prevents access by tenants and other building users. Rope, tape lines, pylons, and similar work area designation devices which can be easily surmounted or bypassed are not acceptable barriers.

**15. Does the “emergency repair” exemption apply to the entire repair, or only that portion of the repair which addresses the source of the emergency.**

The exemption for emergency renovations was added to the final rule to address situations in which non-routine failures of equipment necessitate immediate action to address safety or public health hazards or threats of significant damage to equipment and/or property. In these types of situations, the need for immediate action clearly outweighs the need to provide lead hazard information to tenants before the renovation is commenced. Once the portion of the repair that addresses the source of the emergency is completed, however, the justification for the exemption from the rule is no longer operative; therefore, any additional renovation activity needed to return the renovation work area to its pre-emergency condition would be subject to the requirements of the rule. Thus, for example, repairing a hole in a wall after a broken water pipe has been repaired would be subject to the rule, as would repainting any water-stained walls or ceilings resulting from the pipe break.

**16. Does a renovator need to attempt personal delivery of the lead information pamphlet to a tenant more than one time before utilizing the “self-certification of pamphlet delivery” option?**

Personal delivery of the lead information pamphlet is preferable, wherever possible, because EPA believes that tenants will be more likely to read the information if it is handed directly to them. It also affords tenants an opportunity to raise concerns and ask questions about the renovation. In drafting the final rule, however, the Agency recognized that personal delivery would not always be a viable option, especially when a renovation needs to be commenced on short notice and an adult occupant of the apartment is not available. For this reason, the Agency included a provision in the final rule which permits the person delivering the pamphlet to “self-certify” the delivery (40 C.F.R. 745.85(a)(2)(i)). Although it is recommended that delivery be attempted on more than one occasion, a single good faith delivery attempt is acceptable for purposes of the rule.

SPECIAL NOTE: the self certification provisions of the rule apply only to pamphlet deliveries to rental units; renovators cannot self-certify a pamphlet delivery to the owner of the dwelling unit. Pamphlet deliveries to unit owners must be made directly to the owner, an agent of the owner, or

via mailing.

**17. In a typical co-operative apartment building, occupants do not own the individual units; rather they “own” an undifferentiated share in the entire building and then “rent” back a specific unit from the co-operative corporation. Similarly, in a typical condominium building, owners of individual units jointly own the common areas of the building. For purposes of the rule, who are the “owners” in such situations?**

EPA recognizes that co-operative apartments (“co-ops”) and condominiums (“condos”) can be structured in a variety of ways. For example, in the case of co-ops, a corporation (sometimes referred to as a “co-op association”) is often established and owns all the units and common areas comprising the co-op; in such circumstances, individual unit “shareholders” own shares in the corporation and also own occupancy rights or lease a unit from the corporation. In the case of many condos, individuals hold title to their individual units, and all condo unit owners jointly own the common areas (with a condo association established to represent the interests of all the unit owners).

For purposes of this rule, the following general principles will be applied:

(a) if title to a building is held by a corporation which leases back dwelling units to individual corporation shareholders, as in typical co-op apartment buildings, the corporation/association will generally be considered to be the “owner” of the entire building, and individual resident shareholders, or persons who rent from individual shareholders, will generally be considered to be tenants.

(b) In buildings where individuals hold title to specific dwelling units and jointly hold title to common areas of the building, as in typical condo buildings, the individual owners each will be considered to be the owners of his/her individual units, and the association (or its equivalent body composed of, or representing, the group of owners) will be considered the owner of the common areas of the building.

See the attached Table A for more specific guidance on meeting the requirements of the rule as they relate to various renovation scenarios in co-ops and condos.

**TABLE A**  
**COMPLIANCE WITH §406(b) PRE-RENOVATION RULE FOR**  
**COOPERATIVE APARTMENTS AND CONDOMINIUMS**

<b>RENOVATION LOCATION</b>	<b>RULE REQUIREMENT</b>	<b>COMPLIANCE FOR CO-OPs</b>	<b>COMPLIANCE FOR CONDOS</b>
Renovations Inside Individual Unit	<ol style="list-style-type: none"> <li>1. Deliver Pamphlet to Owner §745.85(a)(1)</li> <li>2. Deliver Pamphlet to Adult Occupant (Tenant) §745.85(a)(2)</li> </ol>	<ol style="list-style-type: none"> <li>1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager</li> <li>2. Deliver Pamphlet to Resident Co-op Share holder or Adult Occupant</li> </ol>	<ol style="list-style-type: none"> <li>1. Deliver Pamphlet to Condo Unit Owner (Or Agent of Owner)</li> <li>2. If Condo is Leased, Deliver Pamphlet to Adult Occupant</li> </ol>
Renovations In a Common Area	<ol style="list-style-type: none"> <li>1. Deliver Pamphlet to Owner §745.85(b)(1)</li> <li>2. Deliver Notice to Each Unit §745.85(b)(2)</li> </ol>	<ol style="list-style-type: none"> <li>1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager</li> <li>2. Deliver Notice to Each Unit</li> </ol>	<ol style="list-style-type: none"> <li>1. Deliver Pamphlet to Condo Association or Property Manager</li> <li>2. Deliver Notice to Each Unit</li> </ol>