

Safetyline

Apartment Association of Michigan

SAFETY AT A GLANCE

Membership in the Apartment Association carries benefits beyond savings on Work Comp insurance. Members join a network of their peers; thus, gaining access to information sharing and the tools needed for effective loss control.

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Apartment Association of Michigan

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Please Note: The content herein represents general information and should not replace actual training.

Background, Impact Of Lead RRP Rule

The Law

The primary federal law dealing with lead is the Residential Lead-Based Paint Hazard Reduction Act of 1992, or "Title X." It was passed specifically to protect families from exposure to lead, whether it is in household paint, airborne dust, or in the soil under or around residential property.

It gave HUD and the Environmental Protection Agency (EPA) the job of authoring a rule requiring disclosure of known lead problems; thus, the Lead Disclosure Rule.

The rule applies to most residential housing built before 1978. In general, it requires property owners to disclose any information they have regarding lead-based paint before they sell or lease their property.

Specifically, the rule requires owners to:

- Give an EPA-approved pamphlet about lead-based paint hazards.
- Tell prospective buyers and tenants about any known lead-based paint or lead-based paint hazards on the property, as well as the

specific location of the lead hazard

- Give prospective buyers and tenants any records and reports they may have about lead-based hazards on the property, such as the results of any tests done to determine the presence of lead or records of any efforts to fix or abate any lead problems.

- Require landlords to disclose known

information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure about lead-based paint.

- Include a Lead Warning Statement in the sales contract or lease stating that the property owner has complied with the rule's notice and all requirements for complete disclosure.

- Give home buyers a 10-day period to let them have the property

inspected for lead-based hazards.

Violating Title X and the rule is serious. A property owner may be ordered to fix any problems before the property may be sold or rented, and fines and penalties may be imposed.

Summary

- **Title X Disclosure on housing built before 1978 continues even after April 22, 2010 when the next part of the legislation goes into effect.**
- **Beginning April 22, 2010, almost all renovations of pre-1978 housing must be done by a certified renovator.**
- **Lead: Renovation, Repair and Painting (RRP) certification classes are being offered by the Apartment Association of Michigan.**
- **Call for details and registration for an upcoming class: 248-862-1004.**
- **For additional details and more Questions & Answers on the Lead: RRP Rule, go to: <http://www.epa.gov/lead/pubs/renovation.htm>**

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Use This Newsletter As A Tool To Conduct Your Own Safety Meeting

After April 22, 2010, all renovators will be required to be trained in lead-safe renovation work practices. The following Q&A outlines many of the requirements found in the new Renovation, Repair, and Painting rule.

Q: What does the new Renovation, Repair, and Painting rule require?

A: The Renovation, Repair, and Painting rule requires that renovators are trained in the use of lead safe work practices, that renovators and firms be certified, that providers of renovation training be accredited, and that renovators follow specific work practice standards. Additional information on this rule can be found at <http://www.epa.gov/lead/pubs/renovation>.

Q: Does a general contractor need to get firm certification under the Renovation, Repair, and Painting (RRP) rule for renovations where its employees are not present during renovations that are subcontracted to other companies?

A: Yes, a firm or general contractor that enters into a contract, or is paid to perform a renovation, must get RRP firm certification even if all of the work is subcontracted to other firms including independent contractors. Under the RRP rule, only firms certified by EPA may perform, offer to perform, or claim to perform covered renovations. Firms that perform renovations for compensation must use certified renovators (or, as appropriate, workers that receive on-the-job training). Therefore, general contractors that are paid by individuals or organizations to perform covered renovations must be certified firms and must ensure that a certified renovator is assigned to each renovation performed by the firm and that individuals performing renovation activities on behalf of the firm are either certified renovators or have received appropriate on-the-job training by a certified renovator.

Q: What is covered by the new Renovation, Repair, and Painting rule?

A: **The rule applies to all persons who are paid to perform renovation, repair, and painting projects in pre-1978 housing, child care facilities and schools with lead-based paint. This includes home improvement**

contractors, maintenance workers, painters and other specialty trades. The rule does not apply to minor maintenance or repair activities affecting less than six square feet of lead-based paint in a room or less than 20 square feet of lead-based paint on the exterior. Window replacement is not minor maintenance or repair.

Q: How does a firm or renovator document or confirm the age of the structure? Is a signed statement by the occupant sufficient? Can publicly available information such as tax records, etc. be sufficient?

A: **The property owner is likely to be a good source of information on the age of a home or other building. However, under the final Renovation, Repair and Painting rule, renovation firms are responsible for making this determination-they may not rely on the statement of the property owner as to the construction date of the building if there is evidence to**

the contrary. If in doubt, renovation firms can use tax assessments, property records, and similar information to determine the date of construction. Finally, the renovation firm may always assume that a home or child occupied facility was constructed before 1978.

Q: What changes in a renovation firm's status require an amendment of certification and how much will it cost?

A: **In accordance with § 745.89(c), any change to the information reported to EPA in a firm's most recent certification application must be reported in an amended certification application. There is no cost associated with the submission of an amended certification.**

Q: When testing a work area, does one spot-test kit suffice for any single component? What if a component's surface area is extensive such as a large wall?

A: **The certified renovator is only required to use one spot test kit for each component, even if the surface of the component is extensive (e.g., a large wall).**

This Q and A can be found at <http://www.epa.gov/lead/pubs/renovation.htm>

Q and A

RRP

Lead: RRP Rule

EPA has now taken the next step in lead hazard regulation under Title X, with the establishment of the Lead: Renovation, Repair and Painting Rule (RRP). This rule, which becomes fully effective on April 22, 2010 was a decade in the making. It attempts to limit lead hazard exposure from renovation activities in housing and child-occupied facilities.

It includes specific work practices to follow, record keeping requirements, and certification for those doing the work. Apartment owners performing their own renovations must follow the EPA

registration process for their firm, and have a Certified Renovator supervising the project. The other option is to simply contract the work out to firms which are certified. Like Lead Disclosure, violations can result in significant fines.

Although the work practices and certification requirements do not go into effect until April, a process for resident notification has been in effect since December 22, 2008.

The rule allows for the following exemptions:

- Abatement activities performed by a certified abatement contractor.
- Activities which disturb less than the

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6/20 square feet rule (this exemption does not include window replacement or the use of torches, machines to remove paint, or heat guns above 1100 degrees Fahrenheit).

- Renovations where it has been determined by a certified lead inspector or risk assessor that the procedures are not necessary; or where the certified renovator uses an EPA-recognized test kit.

- Work performed by homeowner in own residence.

- Emergency renovations addressing health and safety are partially exempt.

Current Sample Pre-Renovation Form

Effective until April 2010.

Confirmation of Receipt of Lead Pamphlet

- I have received a copy of the pamphlet, *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* 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, *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*, 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, *Renovate Right: Important Lead Hazard Information for Families, Child Care providers and Schools*, 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

Attempted delivery date and time

lead pamphlet delivery

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).

Before starting a renovation in residential buildings built before 1978, the contractor or property owner is required to have tenants sign a pre-renovation disclosure form which indicates that the tenant received the Renovate Right lead hazard information pamphlet. Above sample can be used until further notice.

RRP Rule:

- Featuring Steve M. Smith, RRP administrator, state of Michigan
- Renovation of pre-1978 structures
- New rules
- New work practices
- New record keeping
- Certification requirements

**Association Members:
You're Invited to a
Loss Control Seminar
May 19, 2010
10 to 11:30 a.m.**

**Association Offices
30375 Northwestern Hwy.
Farmington Hills, Michigan 48334
Contact Wendy Light at
wlight@spsinsurance.com for details**



OR CURRENT OCCUPANT



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