

The Lead-Based Paint Renovation, Repair and Painting Rule

A Handbook for Contractors, Property
Managers and Maintenance Personnel



Summary of requirements for the
Renovation, Repair and Painting Rule, as
described in K.A.R. 28-72-1 to 28-72-54 and
in 40 CFR Part 745.

Prepared by:

Kansas Department of Health and Environment
Healthy Homes and Lead Hazard Prevention Program



Who should read this handbook?

- Anyone who owns or manages housing or child-occupied facilities built before 1978.
- Contractors who perform activities that disturb painted surfaces in homes and child-occupied facilities built before 1978 (including certain repairs, maintenance, and painting preparation activities).

About this hand book:

This handbook summarizes requirements of EPA/KDHE's Lead-Based Paint Renovation, Repair and Painting Program Rule (RRP), that seeks to protect people from lead-based paint hazards associated with renovation, repair and painting activities. The rule requires renovation firms to be licensed by KDHE, workers to be trained and certified and requires the use of lead-safe work practices on the job.

A companion pamphlet, entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*, has been prepared in conjunction with the rule for distribution to persons affected by work that disturbs lead-based paint.

Where to start?

The first step is to become a KDHE licensed Renovation Firm.

The fee for this certification is \$200.00 and is good for 5 years.

For more information, please see the Firm Licensing section of this booklet.

Get at least one individual who works at the Renovation Firm trained as a Certified Renovator and certify that individual with KDHE.

There is currently no fee assessed by KDHE for individual certification.

Talk to your clients about the importance of lead-safe work practices and explain what you will do to protect them from the hazards.

KDHE will provide you with information you require.

What Is the Lead-Based Paint Renovation, Repair and Painting rule (RRP)?

- The Lead-Based Paint Renovation, Repair and Painting Rule is a federal regulatory requirement affecting contractors, property managers, and others who disturb painted surfaces. KDHE is responsible for administration of this regulation in Kansas.
- It applies to residential houses, apartments, and child-occupied facilities such as schools and day-care centers built before 1978.
- It includes pre-renovation education requirements as well as training, certification, and work practice requirements.

Pre-renovation education requirements:

- Contractors, property managers, and others who perform renovations for compensation in residential houses, apartments, and child-occupied facilities built before 1978 are required to distribute a lead pamphlet before starting renovation work.

Training, certification, and work practice requirements:

- Firms are required to be licensed, their employees must be trained in use of lead-safe work practices, and lead-safe work practices that minimize occupants' exposure to lead hazards must be followed.
- Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.
- KDHE's lead regulations can be found at K.A.R. 28-72-1 to 28-72-54. For more information on these regulations, please contact us at 1-866-865-3233, or visit our website at www.kshealthyhomes.org.

Who must follow the RRP rule?

In general, anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978, this may include, but is not limited to:

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



What activities are subject to the RRP rule?

In general, any activity that disturbs more than 6 square feet of paint interior and 20 square feet of paint exterior in pre-1978 housing and child-occupied facilities, including:

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



What housing or activities are excluded and not subject to the RRP Rule?

- Housing built in 1978 or later.
- Housing for elderly or disabled persons, unless children under 6 reside or are expected to reside there.
- Zero-bedroom dwellings (studio apartments, dormitories, etc.).
- Housing or components declared lead-free by a certified inspector or risk assessor.
- Minor repair and maintenance activities that disturb 6 square feet or less of paint per room inside, or 20 square feet or less on the exterior of a home or building.

Note: minor repair and maintenance activities do not include window replacement and projects involving demolition or prohibited practices.

What will the RRP Rule require me to do?

Pre-renovation education requirements

In target housing, you must:

- Distribute EPA's *Renovate Right* pamphlet to the owner and occupants before renovation starts.

In a child-occupied facility, you must:

- Distribute the *Renovate Right* to the owner of the building or an adult representative of the child-occupied facility before the renovation starts.

For work in common areas of multi-family housing or child-occupied facilities, you must:

- Distribute renovation notices to tenants or parents/guardians of the children attending the child-occupied facility. Or you must post informational signs about the renovation or repair job.

For all work in target housing informational signs must:

- Be posted where they will be seen;
- Describe the nature, locations, and dates of the renovation;
- Be in the primary language of the occupants.
- Obtain confirmation of receipt of the lead pamphlet from the owner, adult representative, or occupants (as applicable), or a certificate of mailing from the post office, prior to beginning work
- Retain the records for three years.

Note: Pre-renovation education requirements do not apply to emergency renovations. Emergency renovations include interim controls performed in response to a resident child with an elevated blood-lead level.

Training, Certification, and Work Practice Requirements

- Firms must be licensed.
- Renovators must be trained and certified
- Lead-safe work practices must be followed. Examples of these practices include:
 - Work-area containment to prevent dust and debris from leaving the work area.
 - Prohibition of certain work practices like open-flame burning, the use of heat guns and use of power tools without HEPA exhaust control.
 - Thorough clean up followed by a verification procedure to minimize exposure to lead-based paint hazards.

How does a firm become licensed?

A firm, (defined as a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity) must submit to KDHE

the following:

- A completed Licensed Renovation Firm Application / Renewal Application KS-300. The application can be delivered by mail, in person, or completed online at www.kshealthyhomes.org.
- State of Kansas Certificate of “Good Standing” from the Secretary of State (if applicable).



- Appropriate fee(s) as shown in KAR 28-72-3 = \$200.00 initial / \$100.00 renewal (5 years).
- List of any KDHE Certified Renovators working for the firm.

What is required of a licensed firm?

Firms performing renovations must ensure that:

1. Pre-renovation education (PRE) requirements are met.
2. All individuals performing activities that disturb painted surfaces on behalf of the firm are either certified renovators or have been trained by a certified renovator. (Detailed records of this training must be maintained.)
3. A certified renovator is assigned to each renovation and performs all of the certified renovator responsibilities as outlined in the responsibilities of a Certified Renovator section of this handbook.
4. All renovations performed by the firm are done in accordance with the RRP work practice standards.
5. The firm's recordkeeping requirements are met for both PRE and RRP.

How does a Renovator become certified?

Individuals that would like to become KDHE Certified Renovators must successfully complete a training course



put on by a KDHE accredited training provider then submit to KDHE the following:

1. A completed Certified Renovator Application /Renewal Form KS/100. This form can be delivered by mail, in person, or completed online at www.kshealthyhomes.org.
2. Proof of any certifications as a Renovator in any other states or EPA region.
3. Training completion certificate from KDHE accredited training provider

Are the requirements the same for contractors with previous lead training?

NO. Individuals who have successfully completed an accredited lead abatement worker or supervisor course and are currently certified will not have to take the course, however they must keep their lead certifications current. KDHE will allow Certified Lead Abatement Workers and Lead Abatement Supervisors to function as Certified Renovators in Kansas however they must follow all RRP work practices standards and renovator responsibilities as published.

Individuals who have successfully completed an EPA, Department of Housing and Urban Development (HUD), or EPA/HUD model lead paint safety during renovation training course and can show proof of successful completion, need only take a four-hour renovator refresher training course instead of the eight-hour initial renovator training course to become certified.

What are the responsibilities of a certified renovator?

Certified renovators are responsible for ensuring overall compliance with the RRP rule requirements for lead-safe work practices at projects they are assigned. A certified renovator:

1. Must provide on-the-job training to workers on the work practices they will be using in performing their assigned tasks.
2. Must be physically present at the work site when warning signs are posted, while the work-area containment is being established, and while the work-area cleaning is performed.
3. Must regularly direct other individuals to ensure that the work practices are being followed; including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
4. Must be available, either on-site or by telephone, and must be able to on the job site within one hour at all times while renovations are being conducted.
5. Must perform post renovation project cleaning verification.
6. Must have with them at the work site copies of their initial course completion certificate and any subsequent renewal certificates, as well as their KDHE certification card.
7. Must prepare ALL required records. For more information, see the Recordkeeping Requirements section of this booklet.

What is the training requirement for Non-Certified workers?

Training for non-certified renovation workers must cover the following 7 Steps which can be performed as on-the-job training. Training must be provided to each employee that works on the job site, and the training must be carefully documented. Please refer to the recordkeeping requirements section of this booklet for more information.

- Step 1 – Presume the job involves lead-based paint
- Step 2 – Set it up safely
- Step 3 – Protect yourself
- Step 4 – Minimize the dust
- Step 5 – Leave the work area clean
- Step 6 – Control the waste
- Step 7 – Verify work completion with the post renovation cleaning verification procedure or clearance

The Certified Renovator assigned to the job must maintain at the job site the following records for on-the-job training:

- Written certification of worker training
- Must detail which workers have been trained
- Must list all training topics covered for each worker

- Must be signed by the Certified Renovator who did the training.
- All training documentation must be kept for 3 years following completion of the renovation.

What are the required work practices?

General Work Practice Requirements

(A) Renovations must be performed by licensed firms using a certified renovator and properly trained staff.



(B) Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. These signs should be in the primary language of the occupants.

(C) Prior to the renovation, the firm must contain the work area so that no dust or debris leaves the work area while the renovation is being performed.

(D) Work practices listed below are prohibited during a renovation:

1. Open-flame burning or torching of lead-based paint;
2. Use of machines that remove lead-based paint through high speed operation such as sanding, grinding, using a power plane, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control; and
3. Operating a heat gun to remove lead-based paint.

(E) Waste from renovations:

1. Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal.
2. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored or removed to prevent access to and the release of dust and debris.



Interior Specific Work Practice Requirements

The firm must:

- (A) Remove all objects from the work area or cover them with plastic sheeting with all seams and edges sealed.
- (B) Close and cover all ducts opening in the work area with taped-down plastic sheeting.
- (C) Close windows and doors in the work area. Doors must be covered with plastic sheeting.
- (D) Cover the floor surface with taped-down plastic sheeting in the work area a minimum of six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

(E) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris when leaving the work area.

(F) After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains. The firm must:

1. Collect all paint chips and debris, and seal it in a heavy-duty bag.
2. Properly remove and dispose of protective sheeting as waste.
3. Clean all objects and surfaces in the work area and within two feet of the work area in the following manner:
 - a. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
 - b. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum.
 - c. Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly using a mopping method that keeps the wash water separate from the rinse water, or using a wet mopping system.

Exterior Specific Work Practice Requirements

The firm must:

(A) Close all doors and windows within 20 feet of the renovation.

(B) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting in a manner that allows workers to pass through while confining dust and debris.

(C) Cover the ground with plastic sheeting or other disposable impermeable material extending a minimum of 10 feet beyond the

perimeter or a sufficient distance to collect falling paint debris, whichever is greater.

(D) In situations such as where work areas are in close proximity to other buildings, windy conditions, etc., the renovation firm must take extra precautions in containing the work area, like vertical containment.

(E) After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains. The firm must:

1. Collect all paint chips and debris, and seal it in a heavy-duty bag.
2. Remove and dispose of protective sheeting as waste.
3. Waste transported from renovation activities must be contained to prevent release of dust and debris.



What is the procedure for clearance verification?

At the completion of each job after all the proper post work cleaning has occurred, the Licensed Renovation Firm has the option do either of the following:

- (A) Contact a 3rd party KDHE licensed Lead Activity Firm to arrange for a Lead-based Paint Inspector or Lead Hazard Risk Assessor to

perform post renovation clearance sampling. If this option is chosen the inspection will be performed by a KDHE certified lead professional and you will be provided a “Post Renovation Clearance” (PRC) letter. The PRC letter will detail the project address, the date and time of the inspection and that visual clearance has been achieved. If you have performed outdoor work you are done! Make sure to keep the letter with your records as required.

- (B) If you have performed interior work the same process detailed in (A) will be followed with one exception dust wipe samples will be taken from the work areas and sent to a laboratory for analysis. You will receive the sampling results within a few days following the inspection. This will provide you with proof that you did not leave lead contamination behind. You will need to provide a copy of the results to the owner/occupant. In the event you have not cleaned properly you will be notified that you have failed clearance and you will need to immediately contact the homeowner and return to the job site to re-clean. You will need to document the return cleaning trip and retain all documents for your records. Then the job is considered finished;
- (C) Another option for Licensed Renovation Firms is to self-perform the post renovation visual inspection and cleaning verification.

Post Renovation Visual Inspection and Cleaning Verification Procedure

- (A) For all jobs, after performing the required post work cleaning detailed in the work practice standards, the Certified Renovator must perform a visual inspection (interior and exterior) and look for dust, debris, or residue. If any are found the area must be cleaned again until all debris, dust or residue is removed.
- (B) For exterior jobs you must document that the cleaning has occurred. KDHE has a Post Renovation Visual Inspection and Cleaning

Verification Record (CVR) template that you should use which will detail the project address, date and time of post work cleaning and verification. It will also require that you retain photographic evidence of the cleaning results. You will need to complete the CVR and provide a copy to the owner/occupant and retain the documents as required in your records.

1. If your work was done on the exterior only you are done! Make sure to keep all your records as required.) or;
2. If your work was performed on the inside of the home you must perform interior post renovation cleaning verification as follows:

Interior Post Renovation Cleaning Verification

(C) After performing the required post work cleaning as detailed in the work practice standards, the Certified Renovator must wipe all uncarpeted floors, countertops, and window sills within the work area using a wet disposable cleaning cloth. You must then compare the cloth with the cleaning verification card and document your findings (The KDHE Post Renovation Visual Inspection and Cleaning Verification Record (CVR) will assist you with this);

1. If the wipe(s) is clean, you are finished
2. If the wipe is dirty (darker than the cleaning verification card allows) you must re-clean and re-wipe as detailed in the work practice standards until the area(s) will pass the comparison inspection.
3. You will be required to keep detailed records that include the project address, date and time of post work cleaning and verification. It will also require that you retain photographic evidence of the cleaning results. You will

need to complete the CVR and provide a copy to the owner/occupant and retain the documents as required in your records.

4. Congratulations! You are done!

What are the recordkeeping requirements?

Renovation firms must retain all records necessary to show compliance with PRE and RRP for a period of three (3) years following completion of the renovation.

Disclosure requirements:

- Distribute the *Renovate Right* pamphlet and a renovation notice to the housing owner and occupants before renovation starts.
- Obtain confirmation of receipt of *Renovate Right* from owner and occupants or a certificate of mailing from the post office.
- For work in common areas of multi-family housing, the *Renovate Right* and renovation notice must be distributed to owners and tenants of each affected unit.
- In child-occupied facilities, the firm must prepare, sign and date a statement describing the steps taken to notify all parents and guardians of the intended renovation and to provide the pamphlet.

On-The-Job Training requirements:

The firm must have documentation showing the following:

- A Certified Renovator provided on-the-job training for workers used on the job, and specifically;
 - a) Written certification of worker training;
 - b) Must show which workers have what training;

- c) Must list all training topics covered for each worker; and,
- d) Must be signed by the Certified Renovator who did the training, the employee who was trained and an authorized representative of the Licensed Renovation Firm (if different than the Certified Renovator).

Work Practice requirements:

The firm must have documentation showing the following:

- If there were any previous lead inspection or risk assessment reports performed by a KDHE certified Lead Inspector or Risk Assessor and the results.
- A Certified Renovator was assigned to the project.
- A Certified Renovator performed or directed workers who performed all of the regulated tasks.
- Documentation clearly defining the reasons why the firm was not able to comply with the requirements of the rule due to an “Emergency”.
- A copy of the Certified Renovators KDHE certificate.

Post work cleaning verification, or clearance requirements:

The firm must have documentation showing either of the following:

- A Certified Renovator performed the post-renovation cleaning verification.
 - a) The results must be described.
 - b) Method and means must be described.
 - c) Description of materials used (wet or dry cloth and cleaning verification card).
 - d) Photographic documentation.

- If dust clearance sampling is used in lieu of post work cleaning verification, the firm must provide the report from the licensed lead activity firm to the individual who contracted for the renovation within 30 days.

Where can I obtain copies of the “Renovate Right” pamphlet?

There are four ways to get multiple copies:

- Call KDHE at 1-866-865-3233,
- Send fax requests to 785-296-5594.
- Request copies in writing from:
Kansas Homes and Lead Hazard Prevention Program
1000 SW Jackson St. Ste 330 Topeka, KS 66612
- Obtain copies via the Internet at www.kshealthyhomes.org

The pamphlet may be photocopied for distribution as long as the text and graphics are readable.



Renovation, Repair and Painting (RRP) Confirmation of Receipt Form



Instructions: Complete all of Section 1, and either section 2, 3, or 4, depending on the method of delivery.

Section 1: Contractor/Landlord Information

Contractor/Landlord Name: _____

Address: _____

Phone: _____

Work site address: _____

Date: _____

Section 2: Delivery in person and owner/occupant signature obtained.

I have received a copy of the pamphlet, *Renovate Right Important Information for Families, Child Care Providers and Schools*: informing me of the potential risk of the lead exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began. I also received notification of renovation stating where and when the renovation will be done.

Printed name of recipient

Signature of recipient

Section 3: Delivery in person; tenant signature not obtained

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 Information for Families, Child Care Providers and Schools*: and notification of renovation 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 and notification of renovation 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 Information for Families, Child Care Providers and Schools*: and notification of renovation 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 and notification of renovation at the unit by sliding them under the door.

Printed name of person certifying delivery

Signature of person certifying delivery

Section 4: Mailing Option. — As an alternative to delivery in person, you may mail the lead pamphlet and notification of renovation to the owner and /or tenant. This information must be mailed at least 7 days before renovation (Document with a certificate of mailing from the post office)

Printed name of person mailing

Signature of person mailing

For more information please contact:

Kansas Department of Health and Environment
Healthy Homes and Lead Hazard Prevention Program
1000 S.W. Jackson St., Suite 330, Topeka, KS 66612-1274
Phone: (866)-865-3233
Fax: (785) 296-5594
Email: lead@kdheks.gov

Portions of this text were taken from EPA's Small Entity Compliance
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