

## **Questions/Comments from list-serv regarding new Renovation, Repair and Painting (RRP) Rule:**

**NOTE:** Questions below are in the original format as sent in to the list-serv.

**Question:** If tests are not reliable and yet we are still held responsible, that is a no-win position to be in and, in my view, invalidates the whole plan.

**Answer:** The Environmental Protection Agency (EPA) has tested and recognized three lead test kits for use in complying with the RRP Rule (they meet the negative response criterion of no more than 5 percent false negatives, for paint containing lead at or above the regulated level of 1.0 mg.cm<sup>2</sup> or 0.5 percent by weight). However, certain test kits are recognized for use on specific surfaces and not others. For example, LeadCheck swabs are not recognized for use on plaster and drywall. However, the other two EPA-recognized test kits are approved for testing plaster or drywall. There is a potential for “user-error” and certified renovators must follow the lead test kit directions and ensure testing of all layers of paint. Instruction on using the test kits is included in the RRP training course.

**Question:** Every one of our buildings (50+) are older than 1978. We have an 8 year painting schedule for interior and exterior currently. Based on age, there are probably 7 coats of (non-lead) paint on the original buildings. Are we testing on a composite testing method or as mentioned, a swab method?

**Answer:** For lead paint determination, you can:

1. Assume the area or building component has lead-based paint and follow the RRP rule.
2. Test by using an EPA-recognized lead test kit to spot test each building component modifying (disturbing paint).
3. Hire a certified risk assessor/lead-based paint inspector to conduct a full assessment/inspection. A certified risk assessor/paint inspector can use an EPA-approved test kit for RRP, but cannot use that testing method for abatement assessments/inspections.

**Question:** Are re required to test all our buildings? With no additional funding, how are districts able to adhere to the new regulation? The new rule only contributes to additional deferred maintenance and preventative painting will be something of the past.

**Answer:** The rule applies to all firms and individuals who are paid to perform renovation, repair, and painting projects that disturb paint in pre-1978 housing and child-occupied facilities. The RRP Rule defines a child-occupied facility as a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

Testing is not required and a certified firm may always assume the presence of lead-based paint and proceed in accordance with all RRP requirements. Additional testing would also not be needed if a certified inspector or risk assessor previously tested the paint and a copy of the report was available.

Testing is ONLY required if the RRP rule is applicable (built pre-1978, child-occupied, work done for compensation). Only those building components where paint will be disturbed need to be tested. There is also a minor repair and maintenance exception for work that disturbs less than 6 square feet of interior paint and 20 square feet or less of exterior paint. In addition, the job must not use prohibited practices or involve window replacement or demolition of painted surfaces.

**Question:** We will have to rely on all the rain we get to clean our buildings, unless of course we have to contain the runoff too.

**Answer:** Pressure washing can be used to clean a building. Pressure washing is not a prohibited practice under the RRP Rule. Pressure washing is subject to the same containment requirements. The renovation firm must cover the ground with taped-down plastic sheeting or other impermeable material in the work area 10 feet beyond the perimeter of the surfaces undergoing renovation or a sufficient distance to collect falling paint debris whichever is greater. EPA does not allow the use of landscaping fabric alone (not impermeable material) to capture paint debris and permit the water to seep through.

Perform the paint preparation (using RRP work practices) before pressure washing the building. Low-pressure/low-volume washing can then be used to clean the surface. If disturbing paint and visible paint chips and debris occur, need to stop, clean up debris and follow RRP work practices. Pressure washing is for cleaning, NOT for paint preparation.

**Question:** Who needs to be notified in a remodel/renovation? I have been told only parents of children under six and/or all parents?

**Answer:** The RRP rule only applies to child-occupied (see definition of child-occupied above) facilities or target housing. Therefore, the pre-renovation notification would only apply if the remodel/renovation activity was occurring in a child-occupied area of the school, and only parents/guardians of children under the age of six would need to be notified.

To provide the required information to the parents and guardian of children using the child-occupied facility, a school/firm must either:

- (1) Mail or hand deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility or
- (2) Post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children. The signs must also be accompanied by a posted copy of the “Renovate Right” pamphlet or information on how interested parents or guardians can obtain a free copy from the renovation firm.

**Question:** If you really think about it, this rule could apply to all schools because of this possibility and anything similar: A high school football coach brings his 5 year old child to practices every day for whatever reason. The child is on school grounds 4 days a week 2 hrs a day and that should qualify the entire school for the lead rules.

**Answer:** Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. With respect to common areas in schools or buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of schools or buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6. Areas of a building that fall outside this definition are not “child-occupied facilities” for purposes of the RRP rule.

The determination of whether a building is a child-occupied facility (i.e. whether a child under age six regularly visits the building as set forth above) requires an

accounting of annual visits. The scenario of the football coach bringing a child to practice would not fit the definition of child-occupied which states that a child's daily visit **MUST** last at least three hours **and** the combined weekly visits last at least six hours, **and** the combined annual visits last at least 60 hours.

**Question:** Try using Paul West of Safety Directions [paul@safety-directions.com](mailto:paul@safety-directions.com). He made it perfectly clear to us what was required. Thanks to the EPA the cost of painting and renovation has dramatically increased. As for power washing, if you don't have the training and equipment you will have to hire a contractor certified and licensed to disturb lead paint. The price of poker has gone up.

**Answer:** Low pressure washing can be used to clean a child-occupied, pre-1978 school as long as it doesn't disturb paint. For more information on pressure washing see above question and answer.

The RRP program is designed to reduce lead contamination by training contractors/maintenance staff in relatively simple lead-safe work practices. The rule requires renovation firms to become certified by EPA or an EPA-approved state RRP program in order to perform renovation, repair or painting activities for compensation in target housing or child-occupied facilities. At least one staff must be trained and certified and present during key parts of the job, such as containing the work area and conducting cleaning verification after the job's completion. The trained renovators can then provide on-the-job training to other workers. Aside from the costs for training and certification, renovators will incur costs that vary depending on the size, type, and number of jobs performed. EPA estimated that the average costs to comply with the rule ranged from \$35 to \$376, depending on the size and nature of the job. However, most school maintenance staff were already voluntarily using lead-safe work practices.

**Question:** Can volunteers or classroom teachers still paint their rooms? Does it have to a licensed or bonded contractor for every bit of painting?

**Answer:** The RRP Rule only applies to renovations performed for compensation, so volunteers would not be required to become certified and follow the RRP rule. However, teachers receive compensation and therefore, may be required to be certified and follow RRP rules.

To answer this question need to consider the following:

Was the building built before 1978?

Is the room child-occupied?

Will paint be disturbed? If so, how much?

Projects that do not disturb a painted surface are not subject to the RRP Rule. Painting would only require a RRP certified renovator if the amount of paint being disturbed is above the small job exception. A project that disturbs six square feet or less of interior painted surface or twenty square feet or less of exterior painted surface is not considered a “renovation” under the Rule. It is considered a minor maintenance and repair activity as long as it does not involve any prohibited work practices such as window replacement or demolition of painted surfaces.

At anytime, even if you are not required to comply with the RRP Rule, it is important to be aware that renovation activities can create hazardous lead dust and chips.

**Question:** Our School District has been certified as a Renovation Firm and all our building engineers have certifications as renovators. That does not mean, however, we don’t have a lot of questions regarding this issue.

**Answer:** Good resources for additional questions include the Oregon Health Authority (previously the Department of Human Services/DHS) at 971-673-0440 or [www.healthoregon.org/lead](http://www.healthoregon.org/lead). EPA has information, including frequently asked questions that can be found at: [www.epa.gov/lead](http://www.epa.gov/lead). If hiring a certified renovator check or call the Construction Contractors Board (CCB) at <http://www.oregon.gov/CCB/lead-based-paint-renovation.shtml>

**Question:** In addition to the area of the school question below one of our questions concerns the actual square foot (or inches) area disturbed by a renovation. We would appreciate some guidance in that area as well. (Have I successfully used the word “area” in all contexts possible?)

**Answer:** As long as no prohibited work practices are used and the work does not involve window replacement or demolition of painted surfaces, the exception to the RRP rule for **minor repair and maintenance** include:

1. **Interior:** 6 square feet or less of painted surface to each individual room and is inclusive of all work done in the room in any 30-day period.
2. **Exterior:** must be 20 square feet or less.

**Question:** We would appreciate any and all guidance DHS can offer.

**Answer:** For additional guidance and questions contact the Oregon Health Authority (OHA) at 971-673-0440 or [www.healthoregon.org/lead](http://www.healthoregon.org/lead).

**Question:** Does community use (church, dances, etc) of schools muddle this issue? Parents bring children younger than 6 specifically.

**Answer:** In most cases, this would not be an issue due to the definition of child-occupied facility (see definition above).

**Question:** How does this apply to day care use within the school?

**Answer:** The RRP rule would apply if the child care within the school meets the definition of child-occupied. RRP work practices would need to be used in classrooms and common areas that are routinely used by children under age 6. Common areas only include areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6. Areas of a building that fall outside this definition are not “child-occupied facilities” for purposes of the RRP rule.

**Question:** What about office areas where parents bring non-school age students picking up their student? There must a time weighted exposure duration or is it just the consumption of lead non-food items?

**Answer:** See child-occupied definition previously addressed.

**Question:** I was in a training session there they said that if there was a potential for pregnant staff that ALL school R, R & P work K through 12 is impacted by this. If so, where do we stop?

**Answer:** Pregnant women and staff are not addressed in the rule.

**Question:** What precautions do we take if it is a simple patch and repaint. Whether that is an entire room or just a hole patch?

**Answer:** See the definition for minor repair and maintenance previously addressed. Minor repair and maintenance activities are not subject to the requirements of the RRP Rule. For exterior renovations, minor repair and maintenance activities are those activities that disrupt 20 square feet or less of painted surface, and do not use prohibited practices or involve window replacement or demolition of painted surfaces.

If the renovation is subject to the requirements of the RRP rule, follow lead-safe work practices. Lead safe work practices are a group of techniques that reduce the amount of dust produced by renovation activities. The basic steps of working lead safe include:

1. Minimize the creation of dangerous lead dust ;
2. Contain the lead dust; and
3. Leave the work area clean and safe after completing the job.

**Question:** Will my staff need official training? Where do I get it?

**Answer:** The rule applies to all firms and individuals who are paid to perform renovation, repair, and painting projects that disturb paint in pre-1978 housing and child-occupied facilities. If a school or school district will be performing the work themselves, then they must have at least one certified renovator on staff. Trained and certified renovators are required for certain key parts of a job, such as containing the work area and conducting cleaning verification after the job's completion. To be a certified renovator, an individual must take a training course. The trained renovators can then provide on-the-job training for other workers. To find an authorized training provider in your area check the OHA RRP page at: <http://public.health.oregon.gov/HEALTHYENVIRONMENTS/WORKPLACEHEALTH/WORK-RELATEDLEADPOISONING/Pages/RRP.aspx>

Or [www.healthoregon.org/lead](http://www.healthoregon.org/lead)

**Question:** Can rooms be painted during the school year?

**Answer:** Yes.

**Question:** If rooms are painted during break periods (no students in the building) do the lead rules apply?

**Answer:** Yes. Even though the renovations will be taking place during a time when no children will be present, the building (or portion of the building) will

remain a child-occupied facility. Breaks, such as those for summer or winter, are mere temporary disruptions in regular visits by children.

**Question:** Water filtration is a good question (do we need to) and can you strain or do you actually have to filter. Is the goal to catch the paint chips?

**Answer:** EPA does not specifically address filtration or straining water to catch paint debris from waste water. The rule states that the renovator must isolate the work area so that no dust or debris (including in the waste water) leaves the work area while the renovation is being performed. For more information see the power washing question and answer addressed above.

**Question:** OSHA requirements seem to affect our crew even when the age limit does not. What can we get for safe work practices for our crew?

**Answer:** The EPA RRP rule does not address OSHA requirements or employee protection. For more information on worker protection and requirements see Oregon OSHA's website at: <http://orosh.org/>

**Question:** My questions revolve around pregnant or potentially pregnant women the buildings. I took the training fairly early on in the process (before DHS had the authority) and we were told that many of the rules were still being hashed out, this being one of them. We were told that they were looking to add pregnant, and potentially pregnant to be dealt with the same as areas with kids under 6. If this is the case the rules would apply to virtually every area of our district because of the possibility of staff, parent volunteers becoming pregnant, or in the case of our high school, students.

**Answer:** No, the RRP rule does not address pregnant women and at this time there are no plans to include a requirement to include pregnant women in the rule.