



## New federal EPA rules require extra precautions when dealing with lead paint

By Cami Reister | The Grand Rapids Press

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Scott Girou, left, and Kevin Wilfong, workers with Knol the Painter, set out plastic tarps to catch any flying lead paint chips and dust earlier this month at a house in Southeast Grand Rapids. New federal regulations are more strict regarding lead paint at work sites.

GRAND RAPIDS — The backyard was cordoned off with yellow caution tape, and the area was covered in plastic tarps. Posted signs warned people against entering the area, and the work crews sometimes sported respirators.

It may sound like a crime scene, but it was only a paint job.

**Under federal regulations that kicked in Thursday**, workers who do any painting or remodeling on homes built before 1978 where lead paint may be disturbed are required to take extra precautions to eliminate exposure to lead dust.

**The rules were enacted** after rising concern about children exposed to lead. They are at risk of brain damage, poor development, learning disabilities and social and behavioral problems.

Painter John Knol, whose crew was at the Southeast Side home, said he has used most of the required procedures for several years. But when he



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learned of the **U.S. Environmental Protection Agency** regulations, one thing came to mind.

"I thought, 'Less profit,' right away," said Knol, who has been in business for more than 30 years.

He estimated the EPA rules add 5 to 15 percent to his materials and labor costs, depending on the size and complication of the job. Certification for him and his company, which is good for five years, cost about \$500.

"It's not the end of the world, but it's just chipping away at how much production we can do," he said. "I do want to be safe, especially with kids under 6, but I've been doing that for at least 12 years already, maybe longer."

Workers are required to test for lead paint if homes were built before 1978, but commercial buildings are not affected.

Scott Pennings, of Pennings & Sons builders in Kalamazoo, took the training last November. He spent an entire day last week putting together packets of 20-page brochures, signature sheets and documentation papers needed for each work site where lead paint is disturbed.

"It's important that people are aware of the hazards and that we're keeping people safe," Pennings said. "But the common sense — it seems we could use more of that and less of the rules and regulations."

While Knol and Pennings received the training and are certified under the new regulations, not everyone made Thursday's deadline.

Some contractors, who did not want to be identified, admitted they had yet to get training.

The rules apply to general contractors, subcontractors, landlords or anyone who receives compensation for working on or maintaining a home.

While the rules were announced in April 2008, the required training wasn't available until last October.

### Trying to keep up

**The Rental Property Owners Association of Kent County** has been trying to get the word out since last year. But it still had more than 200 people at an informational meeting last week.

"We're hopeful that most of our members were using lead-safe work practices already; we've talked about it for some time," RPOA Executive Director Clay Powell said. "But we also believe this was a little fast in coming.

"There was not a lot of information or awareness about it for quite some time."

Even people who want to provide the necessary training are having trouble getting certified.

Doug Haase, owner of Analytical Testing & Consulting Services in Plainwell, has been in business for 30 years and has been a certified lead abatement trainer for 10 years. But he still is waiting for approval as a trainer.

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Under new federal regulations regarding lead paint, caution tape and warning signs are required at work sites where lead paint may be disturbed.



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Scott Girou wears a respirator to protect himself as he scrapes lead-based paint off the house.

### UPDATE

#### Requirements

On Thursday -- Earth Day -- the U.S. Environmental Protection Agency launched the Lead-Based Paint Renovation,

"It's a real nightmare," he said. "I'm using their paperwork, and I still can't get my certification."

Richard TenHoor is in a similar situation. He was hired by the RPOA last year as its lead-safe outreach coordinator to train and educate members on the new rules. But he has yet to receive trainer certification. Like Haase, he has been teaching lead abatement classes for years. He is conducting training for the RPOA under the certification of a private company, QUAT Inc.

**The National Association of Home Builders** petitioned the EPA to delay the rules, citing the lack of certified trainers and a lengthy certification process.

But, until that is worked out in Washington, workers are expected to abide by them, said Phil King, from the EPA's regional lead-based paint program in Chicago.

"They will not be able to do the work that involves disturbing painted surfaces in older homes until such time as they have taken the training and obtained the necessary certification," King said.

How the law will be enforced is still being finalized, he said, but with other EPA regulations, the agency works off tips and complaints from consumers.

"The fines can potentially reach tens of thousands of dollars," King said. "So this is a matter to be taken seriously."

Violators can be fined up to \$32,500 per violation per day.

Legislation is working its way through Lansing to take over enforcement, as allowed by the EPA.

### 'As safe as possible'

Steve Smith, an administrator in the **Healthy Homes Section of the state Department of Community Health**, said state rules will mirror the federal ones, but fees and schedules may be more palatable to businesses.

"We're hoping to have our law in place sometime at the end of the year," he said.

He has been holding informational meetings across the state and what he

Repair and Painting Program, which governs work done in homes likely to have lead paint.

### Who is affected?

- Residential landlords
- General contractors
- Subcontractors, including plumbers, painters, carpenters and electricians

### What is required?

- Training and certification for companies and for at least one individual in a company
- Informing tenants/residents of lead hazards and work procedures
- Posting signs to keep area clear
- Use of detailed lead-safe work practices, including testing, covering surfaces with plastic to catch debris and careful cleanup measures
- Document work and retain it for three years

He has been holding informational meetings across the state and what he hears most is that the businesses welcome enforcement.

"They want to make sure that the playing field is even," he said. "So, as they come into compliance and pay fees and train individuals, they don't want to compete with someone who didn't."

Wil Griffin, director of the **Muskegon Department of Community and Neighborhood Services**, said he understands the concerns of businesses affected, but the new regulations are well-intentioned. Two-thirds of Muskegon's dwellings were built before 1950.

"The overall intent of the law is to try to make homes as safe as possible," he said.

"That is something we need to be really concerned about, especially when we're trying to make sure our children are prepared as much as possible to deal with the global economy."

Paul Haan, executive director of the nonprofit **Healthy Homes Coalition of West Michigan**, said they have been getting the word out to contractors and landlords. But, now, they will focus on consumers and "let the marketplace kind of handle this."

"We're going to let consumers know that, if they do hire a contractor, they (the contractors) are subject to these rules," Haan said. "And we'll encourage them to select contractors that are in compliance."

Haan said a study by **the state Department of Community Health** showed a connection between elevated levels of lead in children's blood and home remodeling projects.

"If someone is repairing their own home, they also should be concerned with this," he said.

"Our organization can help people figure things out."

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Amy West, an independent contractor hired by the RPOA, gives a lesson on protective tools when working with lead paint cleanup as Joshua Schaub, a landlord from Grand Rapids, tries on a protective suit and goggles.