

In the News

Primed for Lead-Safe Classes

Updated EPA lead-paint rules will mandate certification

Under new rules proposed by the EPA on December 29, anyone who disturbs more than 2 square feet of lead paint in regulated housing while working for compensation must first acquire certification through an EPA-accredited course. The training would cover approved procedures for containing lead-paint dust on a job site, posting signs outside a contained work area, minimizing the creation of lead dust, and cleaning up lead-based-paint hazards after a job is completed. In addition to obtaining certification, the remodeler, painter, or other tradesperson would be required to adhere to and document EPA-approved practices when working in regulated housing.

Initially, the target housing would comprise rental and owner-occupied housing built before 1978 in which a lead-poisoned child lives; owner-occupied housing built before 1960, unless the owner signs a statement that no children under the age of 6 are in residence; and

rental housing built before 1960, regardless of the ages of the occupants.

The second phase, which would take effect one year later, adds two more categories: rental and owner-occupied housing built between 1960 and 1978, unless (in the case of

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Rhode Island's Lead Hazard Mitigation Act was struck down as unconstitutional by a state Superior Court. The law had exempted owner-occupied housing of three or fewer rental units, but in January Judge Stephen J. Fortunato Jr. disagreed with the exemption, writing, "There is no reason to conclude that owners of two- and three-unit buildings will protect the health of their child and pregnant-women tenants with such zeal and such efficiency that they do not require the same legislative stimulus to maintain their property as do owners of nonexempted rental units."

Former manufacturers of lead-based paint lost another battle in January, when Wisconsin Governor Jim Doyle vetoed legislation that would have required lead-poisoned plaintiffs to identify the maker of the paint that caused the poisoning. Given the difficulty of analyzing paint to that degree, the law would have effectively protected paint companies from lead-related lawsuits. The legislation was meant to override a July 2005 state Supreme Court decision that allowed a teenager, Steven Thomas, to sue a number of paint manufacturers, including Atlantic Richfield Co., DuPont, NL Industries, SCM Chemicals, Sherwin-Williams, and ConAgra. American Cyanamid settled out of court to pay the boy \$35,000, reports the *Milwaukee Journal Sentinel*.

Sample Pre-Renovation Form
This sample form may be used by contractors in documenting compliance with the Federal lead disclosure and renovation regulations.

Occupant Confirmation

☐ I have received a copy of the lead hazard information pamphlet informing me of the potential risk of the lead-based paint from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

☐ I confirm that I own and live in this property, and that no child under the age of 6 resides here.

Note: A child may reside in the primary residence of his or her custodial parents, legal guardians, foster parents, or informal caretaker if the child lives and sleeps most of the time at the caretaker's residence.

☐ I confirm that no child under the age of 6 residing in this home has been diagnosed with an elevated blood lead level by a qualified medical professional.

Printed name of recipient _____ Date _____

Signature of recipient _____

Self Certification Option (for tenant-occupied dwellings only)
If the lead hazard information pamphlet was delivered but a tenant's 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 lead hazard information pamphlet 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 lead hazard information pamphlet to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation and time 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 date _____

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 hazard information pamphlet to the owner or/tenant. Pamphlet must be mailed at least seven days before renovation. Document with a certificate of mailing from the post office.

— Occupant's Copy —



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owner-occupied housing) the owner certifies that no children under 6 years of age are in residence.

EPA staff members say the agency is taking this two-phase approach because many houses built after 1960 don't contain lead paint. The extra year is meant to allow for the development of inexpensive EPA-recognized lead-paint test kits that could be used to determine whether lead paint is actually present. Since the false-positive rate for current kits is quite high — 42 percent to 78 percent, according to a National Institute of Standards and Technology study done in 2000 — agency officials expect that the new regulations will increase demand for better kits. If the improved kits aren't ready on time, the second phase may be delayed.

The proposed rules themselves are behind schedule; the Residential Lead-Based Paint Reduction Act, also known as Title X, directed the EPA to come up with regulations by 1996. In the interim, there was an effort to implement a voluntary program called the Lead Safety Partnership, which the NAHB favored over mandatory certification; however, the EPA abandoned this proposal in May 2005.

The National Association of the Remodeling Industry (NARI) has joined NAHB in opposing the new rules, arguing that they will increase costs and create delays without addressing other sources of lead exposure. Both associations highlight their own efforts to train members in safe lead-paint practices and note that many remodelers follow these practices without being regulated. NARI vice chair of government affairs Michael Heuser questions whether there's even a link between remodeling

and lead poisoning. "It hasn't been proven that remodeling causes lead poisoning. Show us some data that remodeling is causing the problems," he says.

David Wilson, 2005 NAHB president, echoes that argument and asserts that "more than half the typical renovation and remodeling work is done by the homeowner, whom the EPA does not regulate." He adds, "The money spent on implementing the EPA rule might be better spent to help low-income households reduce their exposure to old lead-based paint."

Currently, remodelers and specialty contractors who disturb more than 2 square feet of lead paint must give residents an EPA lead-hazards pamphlet and obtain proof of delivery (see *In the News*, 11/05). For use with the new regulations, the EPA has written a more specific pamphlet, "Protect Your Family From Lead During Renovation, Repair, and Painting," that focuses on lead-paint hazards caused by renovation activities. In addition, at www.epa.gov/lead/pubs/renovation.htm, the agency has posted a sample form that contractors can use to document their compliance with both the pamphlet law and the new provisions regarding the presence of children aged 6 or younger (see sample, page 1).

The EPA is taking comments on the proposed rules until April 10. Correspondence must include docket ID no. EPA-HQ-OPPT-2005-0049; comments may be submitted online at www.regulations.gov or mailed to Document Control Office (7407M), OPPT, EPA, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20503. — *Laurie Elden*

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Helping Hurricane Victims: Priceless

by Craig Lord

For me, 2006 started off with the most rewarding construction project I've ever worked on: I headed down to Alabama in January with a group of carpenters to repair homes damaged by Hurricane Katrina. The trip proved to be one of the most worthwhile things any of us had ever done.

The excursion was inspired by another group of volunteers from my town who had gone to Biloxi, Miss., to help with cleanup after

some trees down. We began to doubt that the long journey would be worth it. Boy, were we wrong!

At the trailer, we met Anthony Curcio, the VOA work coordinator in Bayou La Batre. A graduate of Rutgers University, he is an AmeriCorps volunteer on a one-year assignment. Anthony's father is a builder in northern New Jersey, and while he was growing up, Anthony swore he would never go into the business. Now he runs the most difficult project I have ever seen.

Imagine a job where your crews rotate out every week. You don't know their skill level until they arrive, and they may or may not have the tools necessary for the job. "The hardest part is matching skilled labor with unskilled labor," Anthony says. "We get a lot of unskilled labor and not enough skilled." Many of the volunteers are college students and church groups who need instruction and supervision.

Now, compound that problem with another: having to pick and choose what projects to tackle in a town where 90 percent of the population has been displaced because their homes are in such bad shape. Anthony carries a three-ring binder packed with jobs that need to be done.

Needless to say, he was happy to see us, a skilled crew with the necessary tools. Our first job was finishing a roof started by another volunteer group; it was about 90 percent complete. Between the quality of the work we were supposed to finish and the condition of the house, we quickly learned that a perfect job was out of the question. We were not in the kind of high-income suburb we were accustomed to working in; we were fixing houses that weren't built well in the first place and probably needed work even before the storm hit. For example, all the roofs were built with 1/2-inch decking over rafters on 24-inch centers. Thus, our modus operandi became:

the storm; since I own my own construction company, I figured I, too, could put together a relief trip. I contacted the National Ministries of American Baptist Churches, which put me in touch with Volunteers of America (VOA) Southeast. VOA assigned us to Bayou La Batre, Ala., a small coastal village of 2,300 located 20 minutes west of Mobile. Until the storm, the town's main industries — shrimping, fishing, and boat-building — employed about 2,000 workers.

We reported for duty at the VOA trailer in Bayou La Batre after a two-day train ride from Philadelphia. During the ride into town, we had noticed only minor damage — scattered blue tarps, a few roofs with shingles missing,



At 30th Street Station in Philadelphia, the author's crew loads up the redcap with luggage and tools for the train ride to Alabama.

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Do the best you can and make sure the roof doesn't leak.

Although I hadn't roofed since the Carter administration, it's like riding a bike — you never forget.

Our second job was a roll roof on the rear shed of a church. This roof was covered with a temporary tarp that must have come from a Nascar track: It was a huge Miller Lite ad. (Across the street, the roof read "Ford.") We

finished this job quickly, but some of us were left covered with tar. In keeping with the adage "improvise and overcome," we bought two cans of Gumout carburetor cleaner from a convenience store and blasted the stuff away. (If you ever try this, rinse with water immediately afterward.)

At this point, we started to worry that Anthony had it in for us because the church job had been a carpentry nightmare on top of being a mess. When he took us to the third job — tearing off and reroofing a 36-square roof on a house that, because of structural damage, also required some rafter replacement — we were *sure* he didn't like us.



Students from Birmingham-Southern College tear off a house's old asphalt roofing (above). Before the new roof could be put on, hurricane-damaged rafters and sheathing had to be replaced (right).



If You Want to Go

Interested in volunteering? Here are a few things you'll need to think about.

- American Baptist Churches requires proof of health insurance and a current tetanus shot for every participant. It provided travel insurance for each of us.
- We took the train so we could bring our tools, which we shipped with us on the same train.
- Unless you are a specialist (say, a plumber or electrician), VOA can't tell you what type of work you will be doing until three or four days prior to departure.
- Since we would be sleeping on the floor, we brought air mattresses and sleeping bags.
- We were on our own for meals, but there were plenty of restaurants. Some teams cooked for themselves at the church.
- Weather was in the seventies and mostly sunny, but we did have some rain showers, so be prepared.
- Elizabeth Stover of VOA set up our trip and coordinated lodging. Here's her contact information: Volunteers of America Southeast, 600 Azalea Rd., Mobile, AL 36609; 251/666-4431; estover01@gmail.com.

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I told Anthony it would be tough to finish the job given there were just five of us and we had only three days left. He said he'd get some help, and sure enough, at 9 o'clock the next morning (we started at 7 a.m.), he rolled up with 12 students from Birmingham-Southern College. We immediately assigned one of our men to instruct the kids on safety and organize them for the tear-off. Meanwhile, the other carpenters and I began the framing repairs. By the end of the day, we had most of the roof torn off and about half a day left on the framing repairs; we also had 36 squares to put back on and only two days to do it.

Once again, Anthony had a solution: He arranged for another volunteer group from Michigan — four men and four women who were also roofing — to give us a hand. On Wednesday and Thursday, there must have been 30 people working on the job. The appreciative homeowners cooked lunch for the whole crew on both days — red beans and rice the first day and shrimp spaghetti the second. Like all the other displaced homeowners, these folks were living in a FEMA trailer while waiting for their house to be repaired.

By 2 p.m. Friday, the roof was complete. We were tired but very satisfied. As we said our good-byes, there were tears in the eyes of the homeowners. I felt a level of satisfaction greater than any I'd felt in my 30-year career. I also felt sad for the people of Bayou La Batre, knowing how much work still lies ahead of them and how few resources there are to do it. — *Craig Lord owns R. Craig Lord Construction Co., a custom remodeling firm in Moorestown, N.J.*



Volunteers take a well-earned lunch break (above). Grateful homeowners Alton and Joyce Nelson (next page) provided the whole crew with down-home Southern cooking.

Habitat for Humanity aims to mobilize volunteer professional home builders for the construction of more than 700 houses during the week of June 5. The rest of the 1,000 homes planned as part of the Home Builders Blitz 2006 will be built in hurricane-devastated areas under the direction of Habitat's Operation Home Delivery, once those locations are livable. For more information, call 800/422-4828, visit www.homebuildersblitz.com, or e-mail homebuildersblitz@habitat.org.



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Paying to Clean Up California's Air

As housing has become more scarce and expensive in California's urban areas, people have moved farther away from the cities, enduring long commutes in exchange for lower mortgage payments. The resulting increase in building activities and commuter traffic in the San Joaquin Valley has contributed to pollution so severe it's triggered the state's highest asthma rates and some of its poorest air quality.

Hence, as part of an effort to meet EPA and state standards for ozone and particulate levels, the San Joaquin Valley Air Pollution Control District started charging impact fees March 1 on new construction. Residential developments of fewer than 50 units are exempt; subdivisions of at least 50 units, commercial buildings of at least 2,000 square feet, and medical, industrial, office, and other buildings of various sizes from 10,000 square feet and up are subject to the new fees.

Opponents like the California Building Industry Association argue that the fees — which they estimate will

cost \$670 million over five years — will lead to higher home prices in a market where fewer than 20 percent of the homes are affordable to families earning the median income for the area.

Air-quality officials counter that average home prices will go up a maximum of \$1,770 by 2008, and then only if developers don't take advantage of various clean-air options to lower their fees: building to a density of at least five homes per acre, refraining from installing wood stoves, increasing energy efficiency, and building near retail outlets. Further reductions, they say, could be gained by restricting 10 percent of the deeds for affordable housing and providing sidewalks on both sides of the street.

Proceeds from the fees will be used to fund efforts to reduce air pollution in the valley, including paving unpaved roads, putting cleaner engines in school buses, encouraging alternative-fuel use, building bike paths, and subsidizing public transportation. — *Laurie Elden*

Cement imports from Mexico will increase by almost a third — to 3 million metric tons per year — under an agreement being negotiated at press time by the U.S. Department of Commerce. As part of the deal, antidumping duties are scheduled to drop over a three-year period from \$26 per metric ton to \$3 per metric ton. In 2009, all limits and duties would be removed.

In another development that will help ease regional cement shortages (see *In the News*, 10/05), Florida's largest cement plant is increasing production after getting approval from the state's Department of Environmental Protection. Titan America's Pennsuco facility will now churn out 2.4 million tons of cement per year, up from 1.8 million tons.

A house built 7 feet too close to the street must be taken down, Baltimore City Circuit Court Judge Alfred Nance ruled in December. Channel WBAL reports that the builder, CK Williams, has declared bankruptcy, leaving homeowner Deanna Malone with just two options: Move the house or sell for a loss and start over somewhere else.

Dyed in the Wood

Because of hurricane damage to southern-pine forests, there may be more blue-stained lumber on the market this year. Created by microscopic fungi that feed on nutrients in the cells of the sapwood, the discoloration is not the same as mold, which can be rubbed off the surface. The blue stain doesn't affect the strength of the lumber — as the fungi don't cause decay — and poses no health risks, says the Southern Pine Council.

