

Do I Need Lead-Paint Certification?

Q I only build decks – no interior work. Do I still need to take the newly required training for dealing with lead paint?

A Shawn McCadden, a nationally known remodeling industry consultant, replies: It depends. The new EPA RRP (Renovation, Repair, and Painting) rule that kicked in on April 22 applies to work done for compensation on residential housing and child-occupied facilities built prior to 1978. The EPA calls these “target properties.” If you work only on properties built in 1978 or after, the rule doesn’t apply to you.

Otherwise, according to the EPA’s Web site (epa.gov/lead/), there are two certifications you need. First, before you can do work (or even offer to work) on pre-1978 homes, you must be a Certified Firm, which requires simply filling out an application and paying the \$300 fee; this certification is good for 5 years. Second, work must be supervised by a Certified Renovator assigned to the project. To become a Certified Renovator, you must take the training you referred to in your question. It’s an eight-hour class taught by a certified instructor. And yes, if you are a one-person shop, you need both certifications.

The RRP requires lead-safe work practices, but some exceptions apply. If less than 20 square feet of painted surface on the building’s exterior will be disturbed, the work practices are not required. Or if the areas to be disturbed are tested and no lead is found, the work practices are not required on those specific areas. But even if the work practices aren’t required, the contractor must still be a Certified Firm to work on target properties.

Let’s say you are a Certified Firm but want to avoid the work practices. If removing an old deck to attach and flash a new ledger will disturb more than 20 square feet of the existing siding, the work practices apply. On the other hand, if you’re adding a deck where there was none before, being creative might help you avoid the work practices. For example, you could build a freestanding deck that isn’t attached to the home in any way. Or attach the deck using a method that disturbs less than 20 square feet of siding – standoffs such as the Maine Deck Bracket (207/345-8501, deckbracket.com) may allow for this. In

that case, only the diameter of your fasteners times the number used would be counted towards the 20 square feet (see *Editor’s Letter* on page 10 for a different interpretation). But if you add a door to access the new deck, then you will disturb more than 20 square feet outside (and certainly more than the interior trigger of 6 square feet).

Here are a few more scenarios to consider. How many of your projects end up including change orders for additional work? If that work brings the total area disturbed to more than 20 square feet for the entire project, the work practices kick in for all the work, not just for the change order. So price change orders accordingly. Also, consider future projects from the same homeowners. If they call you back to replace the 9-lite door leading to the new deck with a new slider and you aren’t a Certified Renovator, your customer may become someone else’s – for the new door as well as other projects. You might miss out on referrals, too. And how about your ability to sell enough work? If you don’t comply with the RRP rule, you’ll have to turn down any work that’s not on a post-1977 property.

The RRP is a game changer for most contractors. Its work requirements and paperwork are burdens for an industry and business owners that are often just trying to survive, and the timing probably couldn’t be worse. But it’s here. Since the beginning of the year, I’ve been conducting seminars to help contractors understand the RRP and prepare their businesses accordingly. At the end of each seminar, most attendees say that understanding the RRP better and having an actionable list of ways to adjust their practices has made them realize compliance won’t be as bad as they had imagined. Is your concern really just a fear of the unknown?

Here is what I suggest you do.

- Go to the EPA Web site and download the firm application. Fill it out and send it in along with the \$300 fee.
- Take your Certified Renovator class as soon as possible.
- Read the RRP Summary on the EPA RRP Info page of my Web site (shawnmccadden.com) for a good overview of what you will need to be aware of and consider.
- Download and read the EPA brochure *Small Entity Compliance Guide to Renovate Right*. It is a great summary and will give you a big-picture understanding of the rule and how it will affect your work.
- Read the actual rule, including the amendments and the preamble.
- Plan your business practices — sales, contracts, estimating, scheduling, and subcontractor relationships, just to name a few — in light of the RRP rule. ♦

GOT A QUESTION FOR OUR EXPERTS?

Send it to *Professional Deck Builder*, 186 Allen Brook Lane, Williston, VT 05495; or e-mail it to prodeck@hanleywood.com.