



MFC NEWS

“Building Understanding”

MFC will find out the truth about buildings and answer the hard questions.

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About MFC News

Myles F. Corcoran and his Team would like to share the best of what we’ve learned over the years about well constructed buildings and resolving construction disputes.

Please help us make this a “Construction Community” endeavor by sending us your feedback, comments, wisdom, and ideas for future issues. Call 831-476-4502 or email us at: mfnews@mfcbuild.com.

What’s New at MFC...

Inspector/Consultant Tom Baker just completed his second semester of a year-long college course learning about the 2006 International Building Code. Subsequently, he took the exam for, and passed to become an ICC Certified California Residential Building Inspector.

Inspector/Consultant Daniel Alcocer also took a college course, this one on the Plumbing Code. Daniel then took an exam as well, and became an ICC Certified California Residential Plumbing Inspector.

Congratulations to our I/Cs for continuing to gain knowledge in the construction field and adding another level of expertise to the MFC team!

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See photos and stories of how we’ve helped clients like you on our new Project Page: [www.mfcbuild.com/projects](http://www.mfcbuild.com/projects)

## Quote of the Day

*“Out of this nettle, danger,  
we pluck this flower, safety.”*

~William Shakespeare

## Wisdom Corner

If You’re Not Lead-Safe Certified, Lead Paint Could Cause You a Heavy Fine

*Think lead paint doesn’t affect your business? Think again.*

Lead poison is a danger to home owners and contractors living and working on pre-1978 homes.

As of April 22, 2010, the Renovation, Repair, and Painting (RRP) Rule by the Environmental Protection Agency (EPA) requires that all renovation and repair contractors working for compensation in pre-1978 homes, schools, and day care centers who disrupt more than **six square feet of lead paint** indoors or 20-square feet outdoors are required to become EPA Certified in lead-safe work practices. Contractors are required to take a one-day training course and firms must send a short application to the EPA. The California Contractors State License Board (CSLB) is reminding contractors that they could face fines of up to \$37,500 per day for not complying with federal regulations. **Yes, \$37,500 per day.**

**UPDATE as of 6/18/10:** Until October 1, 2010, EPA will not take enforcement action for violations of the RRP Rule's firm certification requirement. For violations of the RRP Rule's renovation worker certification requirement, EPA will not enforce against individual renovation workers if the person has applied to enroll in, or has enrolled in, by not later than September 30, 2010, a certified renovator class to train contractors in practices necessary for compliance with the final rules. Renovators must complete the training by December 31, 2010.

Steve Owens, Assistant Administrator of the Office of Prevention, Pesticides and Toxic Substances at the U.S. Environmental Protection Agency, said there is a simple reason for the new rule: protecting people's health, especially children. "Childhood lead poisoning is a preventable disease, and our goal is to eliminate it," said Steve Owens.

Many contractors think the issue of lead paint poisoning went away years ago, or that they are doing all that needs to be done to avoid it. But lead paint poisoning isn't just about eating paint chips, and even contractors who think they are doing a good job may not be working in a lead-safe manner. In fact, new research shows that contractors like plumbers, electricians, painters and window replacement experts can inadvertently expose children to harmful levels of lead from invisible dust disturbed during jobs they perform every day.

"The greatest risk is for young children living in homes during renovations," said Owens. "One study found they were 30% more likely to have unsafe levels of lead in

their blood than kids in homes where renovations were not occurring. So it's very important that contractors learn how to work lead-safe and that families hire lead-safe certified contractors."

A pregnant woman exposed to lead can transfer lead to her fetus. The irreversible damages of lead poisoning can lead to a range of effects from memory loss and diminished motor skills to behavioral and learning disabilities.

Those who work on pre-1978 homes, apartments, schools, day care centers and other places where children spend time, from large and small contractors to building services professionals, will have to take the necessary steps to become lead-safe certified. Contractors or their employees with lead-safety certification from the California Department of Health (DPH) may take a four-hour accredited course to achieve federal compliance. Individuals must take a one-day training course (at cost) from an EPA-accredited training provider to become a Certified Renovator (CR). Firms must have at least one person trained, submit and "Application for Firms" form plus a fee to register with the EPA. EPA certification costs \$300 (in addition to the cost for the class) and is good for five years. The CDPH charges \$75 for certification which must be renewed annually.

The Certified Renovator will assume responsibility for on-site job supervision, training of other employees, and overseeing work practices, cleaning, and cleaning verification of all work in pre-1978 properties.

There are an estimated 8.4 million “renovations events” projected to take place annually. An estimated 200,000 contractors will need the RRP training. As many as 330,000 will need the training if EPA proceeds in removing the rule’s “opt-out” provision for homes that are not occupied by children under the age of 6 or pregnant women.

“Getting lead-safe certified is it the right thing to do for contractors, their customers, and their employees, and especially for the children who spend time near spaces that are being renovated,” said Owens. The EPA is mindful of the added costs (some estimate additional job costs of 5%) that may result from complying with this important rule. To that end, he said the EPA is launching a consumer campaign designed to raise awareness of the dangers of lead paint poisoning, and encourage consumers to choose only contractors who are Lead-Safe Certified. Certified firms will be able to advertise that they are certified by EPA under the RRP program, and will also be given rights to use EPA's new "Lead-Safe Certified Firm" logo.



In summary, contractors who do demolition or renovation must comply with the California DPH and EPA regulations regarding the lead standards or get hit with heavy fines. △

### Lead Q & As

**Question:** My firm is performing a renovation in an unoccupied home that will be put up for sale when work is done. Does the RRP Rule apply to this renovation?

**Answer:** Yes. Temporarily unoccupied or vacant housing is not exempt from the requirements of the RRP Rule.

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**Question:** What about a situation where the homeowner is acting as their own general contractor and hires multiple companies to do different portions of the work? In this situation, would each business participating be required to follow the rules and assign a separate certified renovator to supervise their portion of the work including separate containment?

**Answer:** While the homeowner may be performing the role of general contractor by hiring firms and organizing their work, the homeowner is not performing, offering, or claiming to perform a renovation and therefore does not need to be a certified firm. The firms hired by the homeowner to perform renovation tasks are responsible for complying with all aspects of the Renovation, Repair, and Painting (RRP) Rule that are applicable to their work, including firm certification. The RRP Rule does not prohibit firms from reaching agreement on which will supply the certified renovator who is responsible for ensuring compliance with the RRP Rule and who directs and trains non-certified workers. However, all firms share liability for ensuring compliance with the RRP Rule.

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**Question:** How does a firm or renovator document or confirm the age of the structure? Is a signed statement by the occupant sufficient? Can publicly-available information such as tax records, etc. be sufficient?

**Answer:** Renovation firms are responsible for determining the age of the property. The property owner is likely to be a good source of information on the age of a home or other building, but the firm may not rely on the statement of the property owner as to the construction date of the building if there is evidence to the contrary. If in doubt, renovation firms can use tax assessments, property records, and similar information to determine the date of construction. Finally, the renovation firm may *always assume* that a home or child-occupied facility was constructed before 1978.

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**Question:** My firm is replacing windows in a condominium. The owner of the condominium in which we are working has signed the opt-out agreement. Is this type of exterior work considered work in a common area, and if so, must other owners and occupants be informed about the job and given the opportunity to "opt-in"?

**Answer:** Exterior renovations of multi-unit target housing are considered renovations of a common area. A common area is a portion of a building that is generally accessible to all residents or users of the building. Renovations in common areas of owner-occupied multi-unit target housing, such as condominiums, must be performed in accordance with the requirements of the RRP Rule unless the renovation firm obtains a signed statement from *each occupant* with access to the common area. △



*For additional information including how your firm can get Lead-Safe Certified and where to find an EPA-accredited trainer in your area, visit:*  
[epa.gov/getleadsafe](http://epa.gov/getleadsafe)  
 or call 800-424-LEAD today.

*Contractors, Homeowners, Property Managers, and Tenants with children should read this pamphlet for information:*  
[http://www.epa.gov/lead/pubs/renovateright\\_brochure.pdf](http://www.epa.gov/lead/pubs/renovateright_brochure.pdf)

*Contractor Fact Sheet*  
<http://www.epa.gov/opptintr/lead/pubs/sellsheet.pdf>