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RI's RRP regulations receives EPA authorization

June 09, 2010 - Rhode Island

EPA has officially authorized R.I. to administer the Lead Renovation, Repair and Painting (RRP) regulations that took full effect on April 22nd.

The decision was long expected. It means that, because R.I.'s rules are more stringent than the federal standards, contractors will notice minor differences when working in Conn. or Mass., which do not administer their own programs. Multi-state contractors, therefore, should be familiar with both the federal and R.I. regulations.

"The Rhode Island program will operate in lieu of EPA's new RRP requirements that went into effect on April 22nd — allowing for greater local oversight. EPA's authorization of Rhode Island's program is based on a certification from attorney general Patrick Lynch on March 4, 2010, and governor Donald Carcieri on April 9, 2010, that the R.I. program is at least as protective as the EPA RRP program and provides adequate enforcement," the EPA said.

So far, R.I. is the only New England state to receive this authorization.

More Changes

Meanwhile, EPA issued two last-minute changes to its RRP regulations: eliminating the "opt-out" choice for owners of pre-1978 properties and adjusting the record-keeping rules accordingly. In addition, the rule makes minor changes to the certification, accreditation and state authorization requirements.

These changes will have no affect on contractors working in R.I., according to Dr. Robert Vanderslice, chief of the Lead Poisoning Prevention Program at the state Dept. of Health.

"If anything, these changes bring EPA's regulations closer to Rhode Island's, which are stricter."

Dr. Vanderslice also pointed out that EPA is reviewing its "clearance," or job certification, requirements and might require dust-wipe testing. But since R.I. requires this already, this will not affect contractors already properly trained and certified in the state.

To summarize the federal changes:

- * Regarding the record-keeping requirements, contractors must now must give copies of their records to the property owner or tenant within 30 days of the final invoice or completion of the project. The records must demonstrate compliance with the training and work practices of the RRP rule, basically the checklist and the results of any testing.

- * The "opt-out" provision has been eliminated, and lead-safe work rules will apply to all pre-1978 properties.

Enforcement

On April 20th, EPA issued a guidance letter to its Enforcement Division directors in all regions announcing that it will take no enforcement action against companies that applied for Certified Lead Hazard Control Firm status before April 22nd and are still waiting for their paperwork. EPA expects these applications to be processed by the end of June.

The agency will still enforce rules about work practices and training requirements. This letter makes no mention of companies that applied for certification after April 22nd.

Meanwhile, EPA has proposed two additional amendments that are now open for comment.

* Under one amendment, as Dr. Vanderslice pointed out, clearance and clearance testing requirements for RRP will require dust wipe testing after completing the existing cleaning verification procedures for some or most renovations. EPA expects to finalize the amendment by July 2011.

* Under the other amendment, the RRP lead-safe work practices and training requirements would apply to public and commercial buildings. EPA has set deadlines to issue a proposal by December 15, 2011, and take final action by July 15, 2013.

To comment on either of these proposals, visit www.epa.gov/lead/new.htm. For more information about the Rhode Island RRP rules, call (401) 222-5960 or visit www.health.ri.gov/lead.

For complete details on the federal rules, visit the EPA website at www.epa.gov/lead/new.htm.

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