

# Legislative Brief

## New Requirements: EPA Lead-Safe Certification



### SUMMARY:

Any contractor performing renovation, repair, or painting projects in pre-1978 homes or child occupied facilities (broadly defined as residential, public, or commercial buildings where a child or children under age six are present on a regular basis) that may disturb lead-based paint must be certified in lead-safe work practices by April 22, 2010 to avoid fines up to \$32,500 per violation / per day.

Claims for bodily injury resulting from your work around lead paint and other pollution claims are not covered by the standard general liability policy. Fortunately, there is a quick and relatively inexpensive solution.

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children.

To protect against this risk, EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning April 22, 2010, contractors performing renovation, repair, and painting projects that may disturb lead-based paint in homes or child occupied facilities built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

The rule does not apply to minor maintenance or repair activities where less than six square feet of lead-based paint is disturbed in a room or where less than 20 square feet of lead-based paint is disturbed on the exterior. Window replacement is not minor maintenance or repair.

### Who needs to be certified?

To be in compliance with the law, a certified individual must remain on-site at all times during the construction phase. Therefore, if you have multiple projects subject to the rule, you will need multiple individuals certified so that you have at least one certified individual onsite at all times during construction.

### Where can you go to become certified?

To locate an EPA accredited training provider in your area, visit [http://cfpub.epa.gov/flpp/searchrrp\\_training.htm](http://cfpub.epa.gov/flpp/searchrrp_training.htm).

### Firm certification

Each business firm doing work must also certify the firm (separate from individual certification). To get your firm certified, you'll simply fill out the EPA's firm application and mail it to the EPA with a \$300 check. The firm certification is valid for five years. Click here for the application: <http://www.epa.gov/lead/pubs/firmapp.pdf>.

### Protect yourself and your firm from liability claims arising from lead paint and other pollution exposures.

The standard commercial general liability policy excludes claims arising from allegations of bodily injury and property damage due to lead paint. However, we have a relatively inexpensive policy available to protect you from this and certain other contractor pollution exposures.

For more information, contact an INSURICA office near you and ask to speak to a commercial agent about contractor's pollution liability.