

EPA ENFORCES TSCA'S LEAD-BASED PAINT RENOVATION RULE AGAINST ENERGY EFFICIENCY HOME RENOVATOR IN SOUTHERN CALIFORNIA

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On March 30, 2016, the U.S. Environmental Protection Agency reported that it fined G.D. Friend, Inc. (operating as Everlast Home Energy Solutions) \$28,564 for failing to comply with the federal Paint Renovation, Repair and Painting (RRP or Rule) while renovating two residential properties in Southern California. EPA promulgated the Rule pursuant to the Toxic Substances Control Act (TSCA) in order to protect the public from lead-based paint hazards that occur during repair or remodeling activities in buildings pre-dating 1978. The Anaheim, California company, G.D. Friend, installs energy efficient home improvement products, including windows and siding. Increasingly more homeowners are installing solar panels, double paned windows, and energy efficient siding and insulation, using companies like G.D. Friend. There are over 37 million older homes in the United States potentially containing lead-based paint, which could be ripe for energy efficient renovations. As reflected in the RRP, and EPA's enforcement, EPA's goal is to reduce illegal and unsafe renovations, and the accompanying lead hazards that result from them.

The RRP requires that contractors must be trained and certified in order to renovate or paint homes, childcare facilities, and schools built before 1978. In addition, the contractors must provide educational materials to residents and follow safe work practices. EPA is serious about making sure companies that break the law are held accountable. Between October 2014 and September 2015, EPA took 75 enforcement actions against renovation contractors and lead-safe training providers who failed to protect people from harmful lead exposures. Each settlement required that the alleged violator certify its compliance with the RRP, and in most cases, pay civil penalties to resolve the alleged violations.

In addition to regulating renovations, EPA also regulates lead-based paint inspections, risk assessments and lead-based paint removal (also known as abatements). Although similar to RRP projects, these other lead-based paint activities are designed to permanently eliminate lead-based paint hazards, and may be ordered by a state or local government. Whereas, RRP projects tend to be performed at the option of the property owner for aesthetic or other reasons, or as an interim control to minimize lead hazards and are not designed to permanently eliminate the lead-based paint. Because RRP projects have the potential to disturb lead-based paint in homes and buildings built before 1978, creating new lead hazards, EPA requires individual renovators and firms to be trained and certified in lead-safe RRP practices.

Section 402(c)(3) of TSCA requires the EPA to regulate renovation or remodeling activities in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings that create lead-based paint hazards. EPA promulgated the Lead-Based Paint Renovation, Repair and Painting Rule in 2008 and amended it in 2010 and 2011. The rule requires workers to be certified and trained in the use of lead-safe work practices, and requires renovation, repair, and painting firms to be EPA-certified. These requirements became fully effective April 22, 2010.

With respect to commercial and public buildings, EPA studied renovations of public and commercial buildings and published its proposed rule May 30, 2014 (2014 Fed. Reg. 12605). The rule will become final in approximately April 2017.

Helpful lead-based paint resources:

- EPA's lead-based-paint website at **gov/getleadsafe**
- EPA also has a website specifically dedicated to lead, which is available at <https://www.epa.gov/lead>.
- National Lead Information Center at 1-800-424-LEAD (5323).
- The Renovate Right brochure, available at <https://www.epa.gov/sites/production/files/documents/renovaterightbrochure.pdf>,

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