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The EPA's new regulation, Lead: Renovation, Repair and Painting went into effect on April 22!

Find more information on pg. 12-14.



Chairperson's Message

by Lori Pippitt

May is National Remodelers Month & the BIG BUZZ right now is the new Lead Paint rule which went into effect on April 22, 2010.

Mark your calendars for May 6th at 8:30 a.m. as we will have a SPECIAL presentation on "How to Help Us All Be Lead Safe" by a representative of the EPA. This presentation is open to all members of HBAL and the Remodelers Council and will be held at the SCC Continuing Education Center. (See page 14 for details.)

Two members of the EPA Outreach & Compliance Team will be on hand to answer questions and will provide informative packets if you have not yet taken a certification class. I would like to request that if you have specific questions, please email them to info@hbal.org. We will forward them to the EPA in advance to help our members get answers to as many questions as possible in the time we have allowed!

There has been a lot of confusion with this new law and I believe this will be a GREAT presentation to help resolve some of the confusion. Please RSVP to the HBAL office to attend.

The Tour of Remodeled Homes featured multiple kitchen, living, dining room remodels as well as a basement finish and master suite addition. This Tour continues to attract serious remodeling homeowners and allows them to see how a once drab, old, worn-down space can be transformed by our members in just a few weeks or even days!

Our regular Remodelers Council meeting will be May 4th at 11:30 a.m. We will be touring the Development Services Center (DSC) at the City-County building, 555 South 10th.

Thank you to Bob Ripley, Capitol Administrator, for the fascinating tour of the Capitol renovation project in April!

REMODELERS COUNCIL OF LINCOLN

May Meeting

Lunch & Tour of the Development Services Center

Tuesday, May 4, 2010 • 11:30 a.m.

Cost: \$8.00 per person

RSVP to info@hbal.org or 423-4225
by Friday, April 30.

Park in the parking lot/garage north of 555 S. 10th. Building & Safety will have passes for those who do park there.

Meet in the NW corner of the parking garage below 555 S. 10th. Which you access via the west side of the building.

Save the Date!!



Picnic in the Park

June 2, 2010

Antelope Park
Shelter #2
Lee's Chicken
Cost \$9/person

Remodelers Council Dines at the Governor's Mansion & Tours the State Capitol



TP Run!



Bring Toilet Paper, Toothbrushes, Soap, Other Necessities to HBAL through June

The Remodelers Council is having its third TP Run (Toilet Paper Run) to help the clients of the Community Mental Health Center (CMHC). These clients are on fixed incomes, and after rent and medical expenses, often are left with very little money for the basic necessities.

Items that would be greatly appreciated by CMHC & its clients:

- Toilet paper
- Laundry soap
- Shampoo
- Toothpaste
- Sanitary products for women
- Bar soap for men
- Bath gel soap for women
- Cleaning supplies
- Poly-grip

Please pick up an extra roll of toilet paper or bar of soap on your next shopping trip, and drop it by the HBAL office before June 30. Thanks for helping to take care of our community!

Top 5 Reasons to Remodel Now

- 1. Low interest rates.** With interest rates at near-record lows, home equity loans are very affordable.
- 2. Energy Efficiency.** Enjoy immediate savings on energy and water bills.
- 3. Increased performance.** A better-performing home saves on costly repairs in the future.
- 4. Improved lifestyle.** Don't wait until you sell your home to make it your dream home!
- 5. Room to breathe.** Are you feeling closed in? Everyone enjoys larger and more functional spaces!

To learn about remodeling and to find a professional remodeler, visit www.nahb.org/remodel. Have the home you always wanted, remodel now.



May is
National
**Home
Remodeling
Month**

What Remodelers Need to Know About Working Under the Impending New Lead Paint Rule

The U.S. Environmental Protection Agency's new regulation, Lead: Renovation, Repair and Painting, which goes into effect on Thursday, April 22, will require that remodelers and contractors working in homes built before 1978 be trained and certified by the EPA on lead-safe work practices before they can legally work in those homes.

Remodelers who have not meet the rule's requirements by Thursday, April 22 should avoid working in homes built before 1978; the business and legal consequences of violating the rule — including fines — could be substantial.

The EPA also has proposed to remove the lead-paint rule's opt-out provision that allows home owners without children under age six or pregnant women residing in the home to sign a waiver and avoid the requirements of the rule. NAHB expects this amendment to be approved and released by the EPA within the new several weeks.

With little time left before the rule takes effect, NAHB has compiled a list of frequently asked questions and answers to help members in their efforts to comply:

What are the requirements of the EPA's new lead paint renovation and repair regulation?

The regulation requires that renovators working for compensation in homes built before 1978 whose activities disturb paint — more than 6 square feet for interior work and 20 square feet for exteriors — be trained and certified.

Everyone working in these home — remodelers, contractors, carpenters, HVAC workers, insulation installers, electricians, plumbers and even volunteers such as Habitat for Humanity or Rebuilding Together workers — is subject to the rule.

After completing their training, remodelers must obtain their firm's certification by paying a \$300 fee and submitting a certification form to the EPA. These firms must also employ an EPA-certified renovator who has successfully taken an eight-hour training course from an EPA-approved training provider.

Before starting a home's renovation, remodelers must provide their customers with a copy of the education pamphlet, "Renovate Right," and obtain a signed receipt confirming that they received pre-renovation education. Remodelers must also post warning signs, contain the work area around paint disturbances, clean up and safely dispose of dust and debris, and conduct cleaning verification.

The certified renovator must oversee the activities to ensure compliance with the rule. Additionally, the firm must keep records of their work under the rule for at least three years.

Who is required to follow the rules of the regulation?

Anyone working for compensation in the targeted housing whose activities include disturbing painted surfaces is subject to the rule. This includes carpenters, HVAC workers, insulation installers, electricians, plumbers and, in some cases, volunteers.

How can I obtain training and certification?

The EPA has a search tool on its Web site for finding approved training providers. Additionally, the National Center for Healthy Housing has a calendar of lead paint training classes on its Web site.

NAHB also recommends that remodelers contact their local home builders association about lead paint training classes because many HBAs are offering classes.

Remodelers should make the best possible effort to register for a class to demonstrate to the EPA that they are working to comply with the law. If no training is available locally, call the EPA at 800-424-LEAD.

I am waiting to hear about the status of my firm's certification, what should I do?

The EPA takes up to 60 days to reply to firm certification applications and the approval time may take longer if the application is missing information or contains errors. After 60 days, remodelers should check on the status of the application by calling the EPA at 800-424-LEAD.

What if I cannot get trained and certified by the deadline?

Do not work on jobs that disturb paint in homes built before 1978 where children under six or pregnant women reside. The EPA has confirmed that anyone compensated for renovation activities may not disturb paint in target housing after April 22 unless they are a certified firm with a certified renovator on staff. The fines for infractions range up to \$37,500 per violation per day.

Is online training available to become an EPA-certified renovator under the lead paint rule?

Yes, the Oregon Home Builders Association, with funding through a grant from NAHB's State & Local Issues Fund and working with the National Center for Healthy Housing, is one organization that has developed an EPA-approved online training course that can substitute for the lecture portion of the required certified renovator training. Once completed, remodelers and contractors will still be required to complete the hands-on portion of their training and to take the EPA certification test.

This online course will effectively reduce required classroom time from eight hours to about three and should enable more contractors to take the necessary training.

Remodelers can preview course and enrollment information at www.homebuildersuniversity.com. Additional information is also available at the Oregon HBA Web site, www.oregonhba.com, or by e-mailing the HBA's Jon Chandler or Marri Lamoureaux.

How do I handle a remodeling job in target housing that started before the deadline but will not be finished until after April 22?

Remodelers in jobs underway as of April 22 will have to comply with the rule completely. This includes providing a pre-renovation notice, dust containment, work practices, cleanup, cleaning verification and record keeping.

NAHB recommends that members talk with the home owners in advance, prepare appropriate contact language (samples available are from NAHB) and be ready to comply with the rule on April 22.

What is the opt-out provision and how can I use it?

The opt-out provision allows home owners of pre-1978 single-family housing to sign a waiver for "opting out" of the requirements of the regulation. The opt-out provision only applies to homes where there are no children under age six or pregnant women residing. If the home owner elects to opt out, the requirements of the rule do not apply and the work practices are not required. NAHB recommends keeping the signed waiver in your records for the job.

Note that the EPA has proposed an amendment to the rule for removing the opt-out provision. If this amendment is enacted, the EPA will announce the change and renovators will have 60 days until the opt-out is no longer available under the rule.

I heard there are lead detection kits available. What are they and what do I need to know about them?

The EPA has approved only the LeadCheck lead detection kits for test components for the presence of lead in houses built before 1978. Components found to be lead-free do not need to be renovated under the lead paint rule requirements. These test kits are sold at big box stores and by contacting LeadCheck directly.

The kits are scarce and in many places they are back-ordered. In addition, the kits are extremely unreliable: They have a “false positive” probability of between 48% and 75%.

The EPA is also evaluating new lead detection kits for approval and release in the fall. The EPA is requiring that these new kits have a lower percentage of false positive tests before they are approved. NAHB will notify members when they become available.

Should I add provisions concerning lead paint and the new rule to my contracts?

NAHB has created sample contract language to help members adapt their contracts to the new lead paint regulation. The sample contract templates, available to NAHB members only, can be downloaded from the NAHB Web site.

How do I handle general liability insurance under the lead paint rule?

Many general liability insurance policies contain some form of a pollution exclusion, which may or may not explicitly include lead. The best way to ensure adequate coverage is to contact your insurer about the regulation and inquire about any changes that may need to be made to your policy.

Who will be enforcing the regulation?

In general, the EPA is enforcing the lead paint regulation through its regional offices. In some states where that state has assumed administration of the program, the relevant state agency will enforce the program. EPA enforcement actions with other regulations are often complaint-driven or conducted by reviewing contractor records for violations. The federal law that authorizes the EPA to issue the LRRP Rule also allows citizens to bring lawsuits against contractors for regulatory violations as long as the EPA is not already pursuing an enforcement action against the contractor.

What states have taken over enforcement of the regulation and what does that mean?

Wisconsin, Iowa, North Carolina and Mississippi have adopted regulations that are similar or stronger than the EPA rule and will be enforcing the program within their state. Members in those states should contact the state for details about the requirements and training.

What materials are available to explain the rule to customers?

The EPA has created the “Renovate Right” pamphlet, which is available free and can be downloaded from NAHB. Remodelers must give a copy of this pamphlet to their customers. NAHB is also developing a fact sheet and sample article for explaining the rule to consumers. Members will be able to download these materials from the NAHB Web site when they become available.

The EPA also is providing certified firms with a lead-safe certified logo, which can be used on promotional materials and for marketing. NAHB recommends that remodelers market their lead paint training and certification to demonstrate to prospective customers their commitment to education, to keeping home owners and their families safe and to their business professionalism.

To learn more about the lead rule and NAHB’s actions to prepare remodelers visit www.nahb.org/leadpaint.

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NAHB Develops Remodeler Contract Language for Lead Regulation

NAHB’s legal department has written template language for remodeling firms to use when working in homes affected by the U.S. Environmental Protection Agency (EPA) regulation entitled “Lead: Renovation, Repair and Painting.” These materials are a benefit only available to NAHB members.

Target homes are defined as pre-1978 homes where renovation activities will disturb lead paint. Visit www.epa.gov/lead for more information about this rule, which goes into effect on April 22, 2010.

Please note that these sample documents, notices, and contract language have all been provided for information purposes only, and do not constitute a legal opinion. Care should be taken when drafting such provisions, and it is recommended that an experienced local attorney be consulted for that purpose.

If a remodeler expects that a job begun before April 22 will not be complete when the rule goes into full force, it is recommended that the remodeler use contract language applying to the active regulation. In essence, contracts signed before April 22 should anticipate the lead rule going into effect. However, it is also recommended that a local attorney be consulted in these cases.

The sample contract materials can be used as templates for remodeling contracts, but consulting with a local attorney is strongly recommended.

Be aware that EPA is also working on amendments that may change the requirements of the lead paint regulation. When these changes are made, NAHB will inform members. Stay tuned for news on these issues.

Visit www.nahb.org/leadpaint for more information on the lead rule and planning for compliance.

To find the sample contract materials, log on to www.nahb.org and search for

Contract Language for Lead Paint Regulation

Lead: Renovation, Repair and Painting Program

The following is a list of available training programs in the Lincoln area. These one-day classes will give you the EPA-mandated training needed for you and/or your employees to become Certified Renovators and comply with the Lead Paint Renovation, Repair and Painting rule that went into effect on April 22.

SCC Continuing Education Center
www.southeast.edu/continuing

Educational Institute
www.eitraining.com or call 423-7530

Inspection Associates
www.inspectionassociatesinc.com or call 423-8444

Special EPA Speaker

Representatives from EPA Outreach & Compliance Assistance will be in Lincoln on May 6 to give a presentation and answer questions.

How To Help Us All Be Lead Safe What you need to know about Federal Lead Paint Regulations

Thursday, May 6, 2010 • 8:30 - 11:30 a.m.

SCC Continuing Education Center

301 S. 68th Street Place, Room 303 • Lincoln, NE

A new rule by the Environmental Protection Agency (EPA) that went into effect on April 22, 2010 mandates that all renovation and repair contractors working in pre-1978 homes, schools, and day care centers who disrupt more than six square feet of lead paint are required to become EPA Certified in lead-safe work practices.

Based on this rule, if you have not taken the 8-hour training course and submitted your application and fee for certification, you are not allowed to work on pre-1978 homes until you come into compliance with the law.

Your questions are encouraged!

Submit questions below or to info@hbal.org by Friday, April 30.

For a list of available lead paint training programs in the Lincoln area, visit www.hbal.org.

If You're Not Lead-Safe Certified, Lead Paint Could Cost You Big Time.

Brought to you by:



RSVP by Friday, April 30

Seating is limited to 250. Please RSVP to confirm your seat.

Name _____ Company _____

Submit your question here or email it with your reservation to info@hbal.org. _____

Fax to 402-423-4251 • E-mail to info@hbal.org • Mail to HBAL • 6100 S. 58th Street, Ste. C • Lincoln, NE 68516