

Clarification on Renovation vs. Abatement

We have received several calls recently regarding some particular and confusing issues related to the new and existing lead-based paint regulations. The new regulation is the Renovation, Repair & Painting Rule (RRP), which became effective in April 2010 that governs a wide variety of general contractors and construction trades. Many of the calls stem from confusion regarding the terminology and definitions. It also seems unclear for many in this newly regulated community as to what the training and certification as a renovator actually means, in regards to the type of work they can do and the services that they can offer.

It may be more straightforward to explain what the Certified Renovator is not. The Certified Renovator is not a Lead-based Paint Inspector, Lead-based Paint Abatement Contractor, or any other form of environmental service provider that is hired to address lead-based paint in a home or child occupied facility. The Certified Renovator is not entering a home to remove, maintain, or otherwise specifically address lead-based paint.

The Certified Renovator is there to perform a job related to home improvement or maintenance in a structure that may contain lead-based paint. The potential for the presence of lead-based paint on the surfaces of the work areas is incidental to the reason the contractor was hired to do the work. The training to become a Certified Renovator is intended to teach these contractors the hazards associated with lead-based paint; and, procedures to perform their normal work in ways that minimize the potential for creating, or adding to, those hazards.

The existing abatement regulations have been in place since 1992 and govern the aspects of specifically addressing lead-based paint as a hazard in a facility. There are several disciplines associated with addressing lead paint as a hazard:

- Lead Paint Inspectors – Determine if lead-based paint is present
- Lead Risk Assessors- Determine if the lead-based paint that is present poses a hazard.
- Lead Project Designers- Set up larger scale abatement projects
- Lead Abatement Supervisors- Guide and manage lead-based paint abatement projects.
- Lead Abatement Workers- Perform lead-based paint abatement work

Each discipline has specific training and certification requirements. The Lead-Based Paint Renovator is another separate discipline with specific training and recordkeeping requirements.

The primary distinction is based on the intent of the contractor doing the work. What is the intent of the work? The following is a breakdown of how intent will categorize the work:

ABATEMENT

- Abatement is generally performed in three/four circumstances to address a known or assumed lead based paint issue:
 - In response to a child with an elevated blood lead level
 - In housing/child occupied facilities receiving HUD or other financial assistance*
 - State and local laws and regulations may require abatements in certain situations associated with rental housing.
 - A homeowner that is aware of potential problems requests inspections/abatement. (Currently very rare in Alabama.)
- Abatement activities are covered by rules already in place on the state level.

RENOVATION

- Renovation activities are performed for many reasons, most having nothing to do with lead-based paint. Painting, window replacement, room renovation, utility repairs, and door installation are just some of the many examples.
- Renovation involves a wide variety of activities designed to update, maintain, or modify all or part of a building.
- Renovations performed in homes or child occupied facilities that were built prior to 1978 are covered by this new rule.

The intent of the Renovation, Repair, and Painting rule is to train contractors on safe ways to work in areas that may contain lead-based paint.

*One factor that can blur these definitions is the involvement of Federal funding, such as funding from HUD grants or weatherization programs. If there is such funding or involvement, there may be additional requirements based upon the type of projects and the amounts of money involved, or even the terms and conditions that accompany that funding. As a contractor it will be important to define why the work is being done and the source of the funding to help insure your compliance.