

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
HEALTH HAZARDS CONTROL UNIT

NORTH CAROLINA LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR
RENOVATION, REPAIR AND PAINTING
(NC LHMP-RRP)

RRP UPDATE 2014

In April of 2008, the US Environmental Protection Agency (EPA) published a regulation to ensure owners and occupants receive information about lead-based paint hazards before renovations begin. The regulation also requires certification(s) for those firms and individuals who offer to perform or who are performing certain renovation, repair and painting activities for compensation in housing or child-occupied facilities built before 1978.

In January 2010, the North Carolina Health Hazards Control Unit (HHCU) became responsible for administering and enforcing the federal and state lead renovation, repair and painting regulations in NC.

This update provides current information about the NC LHMP-RRP Program and is intended to assist you in complying with the regulations. This is for informational purposes only. To determine specific applicability, refer to the regulations or call the HHCU for assistance.

You may access the regulations, print out applications, find training providers, brochures and guidance documents, and search for NC Certified Lead Renovation Firms by visiting our website:

<http://epi.publichealth.nc.gov/lead/lhmp.html>

Firm Certification Renewal

As a reminder, renovation firms performing or offering to perform renovation activities for compensation must renew their NC renovation firm certification every year. NC certified renovation firms include a company, partnership, corporation, sole proprietorship, association, or other business entity or individual doing business in the State, or a federal, State, tribal, or local government agency,

or a nonprofit organization that has been certified by the Department to perform renovation activities.

To renew your lead renovation firm certification, complete the "North Carolina Renovation Firm Certification Application", ensure that an original signature is provided along with the fee, and mail the application to the HHCU.

The application requires that you attach a list of the name(s) of the NC certified renovator(s) working for your firm and their NC Renovator certification number (for example: 172469). The NC renovator certification number is found on the certification letter sent to each NC certified renovator from the HHCU. If you have any questions, refer to the instructions for filling out the application or contact the HHCU.

A copy of the Program issued firm certification is required to be on site during renovation activities.

Please allow approximately 10 business days for application processing. If you need your application processed sooner, let us know by including a note or written request with the application, and we will make every effort to meet your request.

Renovator Certification Is The Next Step After Training

Firms are required to have a NC certified renovator assigned to each renovation project.

After completing a full-day initial renovator training course, students who wish to become a NC certified renovator must apply for certification.

Simply completing the training course does not mean that you are certified in NC as a renovator.

In order to receive NC certification as a renovator, individuals must submit a North Carolina Renovator Certification Application, along with a copy of the renovator training course certificate issued by the training provider and one color photograph of the applicant. Photographs should be **wallet-size** with the applicant's name printed on the back. The HHCU does not accept photographs with headwear, sunglasses, profile, or photographs in black and white.

The applicant will receive a letter certifying them as a renovator from the HHCU. This certification letter has the NC Renovator certification number (for example: 172469) and certification expiration date. In NC, individual renovator certification is issued for a 5-year period from the date of training. A copy of this Program-issued letter is required to be on site during renovation activities.

Only one NC certified renovator is required for each project. Others used as "workers" on the project are not required to be "certified", but they must be trained on the work practices they will be using in performing their assigned tasks for the project. The certified renovator can provide this training on the job. The training must be documented and the documentation retained as part of the recordkeeping for that project.

Renovator Certification Renewal

In order to renew your NC renovator certification, you must attend an acceptable Lead Renovator training course at least every 60 months from the date of your last training course.

If you take training **before** your current NC renovator certification expires, you may attend **either** a half-day refresher **or** a full-day initial Lead Renovator training course. If you take training **after** your current NC renovator certification expires, you **must** attend a full-day initial Lead Renovator training course.

In addition to completing your training, you will need to submit a NC Lead Renovator Certification application, a copy of your most current training certificate, and a current **wallet-size** color photograph of yourself. When completing your application, be sure to fill out the NC certified firm information section.

Your new renovator certification will be issued for a 5-year period from your most recent training date. You can access a list of NC accredited training providers and the Lead Renovator certification

application by visiting our website at: <http://epi.publichealth.nc.gov/lead/lhmp.html>.

In addition to the training providers listed on the website, the HHCU will accept renovator training from any training provider that has EPA or a state RRP program accreditation. Currently, web-based training is not accepted for certification purposes.

If you need assistance obtaining or completing an application, or have further questions about renovator certification renewal, please contact our office at (919) 707-5950.

Recordkeeping Requirements For A Renovation Project

The renovation firm must provide a copy of the documentation to the owner/occupant that shows how the firm complied with the regulations when the final invoice is delivered or within 30 days of completing the renovation, whichever is earlier. The certified renovation firm must also keep a copy of the documentation for each project for a minimum period of three years. The NC certified lead renovation firm is **not** allowed to charge the owner or occupant for their copy of the required documentation.

The documentation may not be limited to, but must include:

- Lead-Based Paint (LBP) component testing results if testing was done. The presence of LBP must be assumed if not tested to show otherwise.
 1. Results of testing conducted by a NC certified renovator using an EPA-recognized lead test kit must include the brand of test kit, the components and location(s) tested and the results. Note: In NC, the firm must provide the results of this type of testing in writing to the owner/occupant **prior** to beginning the renovation.

OR

2. Results of testing conducted by a NC certified renovator using the paint chip sample collection method must include a copy of the analysis report by a National Lead Laboratory Accreditation Program (NLLAP) laboratory. Include the components and location(s) tested and the results.

- A copy of any written determination or report documenting the presence or absence of LBP made by a NC certified lead inspector or risk assessor (if used);
- A copy of the signature page from the “Renovate Right” brochure signed by “both” parties;
- A copy of the NC certified lead renovation firm certificate;
- A copy of the NC certified lead renovator letter;
- Documentation that the workers have been trained and that the NC certified lead renovator directed the workers on the project, the required work practices were followed; and,
- Documentation that the post renovation cleaning verification was performed by a NC certified lead renovator **or** a copy of the clearance testing results from a NC certified dust sampling technician, inspector or risk assessor (if conducted in place of cleaning verification).

Additional Information

Specific details on post-renovation cleaning verification procedures (how to do it) and recordkeeping documentation and reporting requirements (what to document and who to give it to) can be found in 40 CFR §745.85 and .86 (EPA’s Renovation, Repair and Painting regulation).

General recordkeeping requirements can be met by using the EPA Sample Recordkeeping Checklist (found in the EPA Small Entity Compliance Guide) or a similar form containing lead testing information, training and work practice compliance information such as; worker training records, cleaning verification, firm and renovator certifications.

The HHCUC has produced a Spanish language post-renovation cleaning card. If you would like a card, contact the HHCUC.

More guidance and useful information on various topics such as lead testing and recordkeeping can be found at the EPA Renovation, Repair and Painting (RRP) Rule “Frequent Questions” document at: <http://www2.epa.gov/lead/fqs-rrp-rule>

If you need assistance or have further questions about recordkeeping and reporting requirements in NC, contact our office at (919) 707-5950.

Emergency Renovation?

To qualify as an emergency renovation, the event cannot be planned, must result from a sudden unexpected event, and, if not attended to, presents a safety or public health hazard, threatens equipment, or would result in property damage.

Emergency renovations are exempt from the requirements for information distribution (Renovate Right brochure), posting warning signs, containment, waste handling, training and certification to the extent necessary to respond to the emergency.

Once the portion of the repair that addresses the source of the emergency is completed, the exemption from the rule no longer applies. Therefore, any additional renovation activity needed to return the renovation work area to its pre-emergency condition would be subject to the requirements of the rule.

Emergency renovations are not exempt from the cleaning and cleaning verification requirements of the EPA’s renovation, repair and painting regulation. Lead-trained workers supervised by a NC certified lead renovator must clean the work area and only the NC certified lead renovator is allowed to perform the required visual inspection and “cleaning verification” after the emergency has been addressed.

In addition to the previously mentioned recordkeeping requirements, the NC certified lead renovation firm must also document the nature of the emergency renovation and what provisions of the rule were not followed.

As with all renovations, the NC certified lead renovation firm must also keep all necessary documentation of the project and maintain the records for at least three years.

Compliance Assistance Provided By The HHCUC

In an effort to help NC certified lead renovation firms better understand how to comply with the LHMP-RRP requirements, the HHCUC offers consultative technical assistance. If you are

uncertain about compliance, or you are getting ready to do your first job under the LHMP-RRP, the HHCUC may be able to provide an on-site consultative visit.

If an on-site technical assistance visit is not possible, limited compliance assistance may also be provided by scheduling a one-on-one meeting with HHCUC representatives or by contacting us by telephone.

The HHCUC can also provide presentations to groups about the requirements of the LHMP-RRP during meetings or other events. Contact the HHCUC if you are interested in any of these services.

Increase In Administrative Penalties

North Carolina is currently authorized by the US EPA to administer and enforce the requirements of the following two lead-based paint programs:

- 1) Abatement Activities, under the Lead-Based Paint Hazard Management Program (LHMP), N.C.G.S. §130A, Article 19A; and
- 2) Renovation, Repair and Painting Activities, under the Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting (LHMP-RRP), N.C.G.S. §130A, Article 19B - Certification and Accreditation of Lead-Based Paint Renovation Activities.

Effective October 1, 2013, the maximum administrative penalty for violations of the requirements of both the LHMP (N.C.G.S. §130A-453.01-453.11) and the LHMP-RRP (N.C.G.S. 130A-453.22-453.31) and any rules adopted pursuant to these chapters, was increased to \$5,000 per day per violation in accordance with federal requirements (40 CFR 745.327).

What You Can Do To Further RRP Compliance In North Carolina?

The HHCUC continues to administer a program that includes education and outreach, compliance assistance, inspections and enforcement. Many of our inspections have been the result of tips, complaints and referrals received from various contractors, the EPA, neighbors, and occupants.

If you see contractors performing renovation, repair, and painting activities and you are not sure if they are certified or doing the work correctly, you

should contact our office at (919) 707-5950. Tips, complaints and referrals are a priority for the HHCUC.

To help us determine if the LHMP-RRP regulations apply, please provide us with as much information as possible. If possible, include the name of the contractor, a telephone number, an address where the work is taking place, and a description of the work being performed.

Tips, complaints and referrals can be made anonymously.

Should Asbestos Be Considered Before Starting the Renovation?

The short answer is yes. Asbestos was used in over 3,000 building materials and is commonly found in flooring materials, mastics, wall-board systems, joint compound, ceilings, plumbing systems, heating and air conditioning systems, some exterior paints used on metal roofing, and many other building materials.

Asbestos removal and most building demolitions are regulated in North Carolina by the HHCUC through the Asbestos Hazard Management Program (AHMP).

Other various state and federal agencies also regulate asbestos. The lead training received by a NC certified lead renovator does not address this known cancer-causing substance.

Before performing any renovation or repair work that will disturb suspect asbestos-containing building materials, a NC accredited asbestos inspector should perform an asbestos survey. If asbestos is identified, **do not disturb it**. A NC accredited asbestos professional should address the material(s) or you should contact the HHCUC for additional guidance. You may find accredited asbestos professionals or learn more about the asbestos requirements by visiting our website: <http://epi.publichealth.nc.gov/asbestos.html>

For More Information?

The HHCUC consultant staff is available to answer questions about the LHMP-RRP regulations and to provide technical guidance. You may also access the regulations, print out applications, brochures and guidance documents, as well as search for NC Certified Lead Renovation Firms, by visiting our website; <http://epi.publichealth.nc.gov/lead/lhmp.html>

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