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# Questions and Answers

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## Pre-Renovation Lead Information Rule (TSCA 406B)

Following the questions and answers are several example scenarios.

**Q: What is the Pre-Renovation Lead Information rule?**

A: The Pre-Renovation Lead Information Rule (PLIR), also known as section 406(b) of the Toxic Substances Control Act, is a rule requiring people performing renovation for compensation to distribute a lead hazard information pamphlet prior to commencing the renovation.

**Q: Why is the Pre-Renovation Lead Information rule necessary?**

A: Through Title IV of the Toxic Substances Control Act, Congress directed EPA to address the public's risk of exposure to lead-based paint hazards through regulations, education, and other activities. Of particular concern to Congress were potential lead exposure risks that could occur during renovations of housing containing lead-based paint.

Congress believed that informed owners and occupants of housing slated for renovation could act to avoid lead exposure to themselves and their families. So Congress directed EPA to:

- create a lead hazard information pamphlet containing information on lead-based paint in housing, the risks of exposure, and the precautions for avoiding exposure
- issue PLIR so that compensated renovators would distribute the pamphlet to owners and occupants of most pre-1978 residential housing before beginning renovations

**Q: Does the Pre-Renovation Lead Information rule apply to me?**

A: If your job is for compensation and will require you to disturb more than 2ft<sup>2</sup> of paint in pre-1978 housing, then you are a renovator for the purposes of PLIR. This is not dependent upon whether what you do is typically considered a renovation. Whether you are a plumber, a drywaller, a painter, or an electrician, if your job requires that you disturb more than 2ft<sup>2</sup> of paint, then you must comply with PLIR.

The term compensation extends beyond money. Providing services in exchange for other services (e.g., bartering) is included within the term. PLIR applies to owners renovating their own apartment buildings using maintenance staff as well as neighborhood handymen providing services to those in the neighborhood for services or goods other than money.

Work that is performed for free (e.g., no exchange of money, goods, or services) or work performed by Do-It-Yourselfers in their own homes is not covered by PLIR. Work that is performed during an emergency (i.e., a hazardous, non-routine situation that could either threaten public health or cause substantial property damage) is also excluded from this rule.

**Q: What exactly do I have to do if the Lead Pamphlet Distribution rule applies to me?**

A: If you are performing a renovation in pre-1978 housing and that renovation will disturb more than 2 ft<sup>2</sup> of paint, then you must give the owner of the housing a copy of the pamphlet and get her acknowledgment of receipt. If the housing is tenant occupied, then in addition to giving a copy of the pamphlet to the owner, you must provide a copy to the tenant and get her signature as well. The same requirements apply to apartments in housing with more than four separate dwelling units.

If the renovation is to occur in a common area (e.g., laundry room, hallway, playground) of housing with more than four separate dwelling units, you must provide all residents of the building information on the timing and extent of the renovations slated to occur.

**Q: How do I get copies of the pamphlet?**

A: The pamphlet has been made available to the general public as well as the regulated community. Single copies of the pamphlet are available in both English and Spanish from the NLIC, by calling 1-800-424-LEAD. Multiple copies are available through the Government Printing Office (GPO), and may be ordered by calling the GPO Order Desk at (202) 512-1800, faxing (202) 512-2233, or writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Request the publication by title, Protect Your Family From Lead in Your Home, and/or GPO stock #055-000-00507-9.

**Q: When do I have to start complying with the Lead Pamphlet Distribution rule?**

A: PLIR is effective one year after the date of publication.

**Q: What if the tenant or owner won't accept or isn't home to accept the pamphlet?**

A: If the tenant or owner refuses or is unavailable to accept the pamphlet, PLIR allows for the renovator to certify the attempt. PLIR also allows the renovator to mail the pamphlet (at least 7 days prior to the renovation) if she purchases a certificate of mailing from the Post Office when mailing the pamphlet.

## **PRE-RENOVATION INFORMATION RULE EXAMPLES**

The following scenarios are designed to facilitate your understanding of how the Pre-Renovation Information Rule (PLIR- also known as the Toxic Substances Control Act (TSCA) §406(b) rule) requirements are likely to be met by regulated parties.

### **Background**

Jane General-Contractor has four impending contracts. One contract is for the re-shingling of the roof and re-painting of the exterior of a home. One contract is for the renovation of the interiors and shared entry-way foyer of a “duplex” (two separate dwelling units, typically one over the other, that occupy a single residential structure). Another contract is for the renovation of several apartments and the re-painting of the outdoor playground equipment of a large apartment building. The last contract is for the renovation of several apartments in a small, six-unit apartment building. Jane is aware of PLIR and plans to take the affirmative steps necessary to comply with the law.

### **Example 1 - The Home Renovation**

The first step that Jane takes is to determine whether PLIR is applicable to this job. Based upon a brief examination of her plans and a brief telephone discussion with the home owner, Jane knows:

- ! The re-painting will disturb more than 2 ft<sup>2</sup> of exterior paint
- ! The house was built in 1930
- ! The house exterior has not been inspected by a certified inspector
- ! This is not an “emergency” renovation

During a meeting to discuss the plans and costs with the homeowner, Jane gives the owner the lead hazard information pamphlet. The homeowner signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts. Jane returns to her office and files the certification, aware that the certification must be retained for three years. Jane has met the PLIR requirements.

### **Example 2 - The Duplex Renovation**

As described in Example 1, Jane acts to determine whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The renovation is likely to disturb more than 2ft<sup>2</sup> of paint inside dwelling unit 1
- ! The renovation will not disturb any paint inside dwelling unit 2
- ! The renovation will disturb more than 2ft<sup>2</sup> of the shared foyer paint
- ! The duplex was built in the 1950's
- ! The duplex has not been inspected by a certified inspector
- ! This is not an “emergency” renovation
- ! The owner does not live in the duplex
- ! The dwelling units in the duplex are rented to two families

During a meeting to discuss the plans and costs with the duplex owner, Jane gives the owner the lead hazard information pamphlet. The duplex owner then signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts. Jane files the certification.

A few days before the renovation, Jane sends an employee over to the duplex to take a few foyer measurements. She also directs the employee to deliver a lead hazard information pamphlet to an adult occupant of duplex unit 1 and gives him a checklist, a lead hazard information pamphlet, and a pamphlet receipt certification form.

The employee knocks on the door of duplex unit 1 and a child answers the door. After ascertaining that no adult is home, the employee slips the pamphlet under the door and makes note of the address, date, time, and that the pamphlet was delivered when only a child was present. That information is later used by Jane or the employee to complete a certification that a pamphlet was delivered to duplex unit 1 but that an acknowledgment could not be obtained due to the lack of an adult occupant at the time of delivery. Jane puts this certification in her filing cabinet.

Jane knows that she does not have to notify the duplex residents about the activities in the shared foyer of the duplex because the “common area” notification requirements are only applicable to a building with more than four dwelling units. Jane also knows that she does not have to provide a pamphlet to an occupant of duplex unit 2 because no paint will be disturbed. Jane is aware that she must retain the filed certifications for three years. Jane has met the PLIR requirements.

### **Example 3 - The Large Apartment Building Renovation**

As described in Example 1, Jane determines whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The apartment renovations are likely to disturb more than 2ft<sup>2</sup> of paint
- ! The re-painting of the playground equipment may disturb more than 2ft<sup>2</sup> of paint
- ! The building was built before 1969
- ! Neither the apartments nor the playground equipment have been inspected by a certified inspector
- ! This is not an “emergency” renovation

During a meeting to discuss the plans and cost with the building owner, Jane gives the building owner the lead hazard information pamphlet. The building owner then signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts.

Jane is aware of the fact that the playground is an apartment building common area. A few days before the scheduled re-painting of the playground equipment, Jane gives two employees several pamphlets and a stack of notices containing information on the general nature, location, and start/end dates of the re-painting. Jane, in creating the notices with a generous time line, has purposefully allowed for work delays. The notices also indicate that copies of the lead hazard information pamphlet can be obtained at the building’s management office. Jane directs the employees to “shove” a notice under the door of each apartment in the building. Jane further directs the employees to leave the pamphlets with the secretary of the owner’s on-site management office (per an agreement between Jane and the owner). After the employees return, Jane certifies a basic description of the steps taken to notify the residents about the playground re-painting activity.

Jane arranges that her secretary send a pamphlet to each to-be-renovated apartment via certificate of mailing at least a week before renovation begins. The secretary accomplishes this by working with the on-site foreman to track renovation progress in the preceding units. Ten days before the renovations are scheduled to begin in each unit, the secretary goes to the Post Office, and mails a pamphlet by purchasing a certificate of mailing from the teller,

Jane puts the common area certification and the certificate of mailing receipts in her filing cabinet, fully aware that they must be retained for three years. Jane has met the PLIR requirements.

### **Example 4 - The Small Apartment Building Renovation**

As described in Example 1, Jane determines whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The apartment renovations are likely to disturb more than 2ft<sup>2</sup> of paint
- ! The building was built in 1987
- ! This is not an “emergency” renovation

Jane correctly concludes that because the building was built after 1978, PLIR is not applicable.