



## Labor and Workforce Development

[Home](#) [Labor Standards](#) [Lead Program](#)

### RRP Frequently Asked Questions

#### RRP Overview

Common renovation, repair and painting activities, including those involving sanding, sawing, grinding, scraping or demolishing lead-painted components can produce exposures to lead-containing dust and chips that can be harmful to adults and children. To protect against this exposure risk, the U.S. Environmental Protection Agency (EPA) issued the Renovation, Repair and Painting (RRP) Rule, 40 CFR 745, Subpart E, and it became effective on April 22, 2010. The RRP Rule, which is currently in effect in all states that have not received EPA approval to administer their own lead-safe renovation programs, applies to renovation, repair and painting work conducted for a fee that disturbs more than *de minimis* amounts of lead paint in pre-1978 housing and child-occupied facilities. Under the RRP Rule, contractors who perform regulated work must receive certification from EPA, use job supervisors who have one day of lead safety training from EPA-approved trainers and follow specified lead-safe work practices.

On July 9, 2010, the Massachusetts Department of Labor Standards (DLS) received EPA authorization to administer its own standards for renovation, repair and painting work in target housing and child-occupied facilities, in lieu of the RRP Rule being enforced by the EPA in Massachusetts. These standards were published in the Massachusetts Register as amendments to DLS' deleading regulations, 454 CMR 22.00, on July 9, 2010. Consequently, contractors and other entities that were previously required to comply with the RRP Rule are now required to comply with the corresponding requirements of 454 CMR 22.00. Many of the renovation-related requirements of 454 CMR 22.00 are similar to, or the same as the corresponding requirements of the RRP Rule, although there are some differences. These will be addressed in the following FAQs.

#### Frequently Asked Questions and Answers

##### **1. What types of structures are covered by the rule?**

- **Target Housing:** Housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child under age 6 years resides in or is expected to reside in such housing) and 0-bedroom dwellings.
- **Child-Occupied Facility:** Day care, pre-school, kindergarten classroom, or other facility in a building constructed prior to 1978 that is visited regularly by the same child under age 6, on at least two different days within any week, provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

##### **2. What types of work are covered?**

Any work performed for pay, including painting and remodeling, that results in the disturbance of painted surfaces in pre-1978 homes and child-occupied facilities.

Examples: removal or modification of painted components such as doors; repairing a

painted surface or preparing it for repainting by sanding, scraping, burning, or other action that may generate paint dust; removal of walls, ceilings, and other structures; re-plastering; re-plumbing; weatherization work that disturbs painted surfaces; and window replacement. Minor repair and maintenance work that involves the disturbance of *de minimus* amounts - six or fewer square feet of lead-painted surface per room on interiors, or 20 or fewer square feet of lead-painted surface on exteriors - is exempt from coverage, provided that the work does not involve window replacement or demolition of lead-painted structures.

**3. Do contractors, firms or other entities that carry out renovation, repair or painting work need to get licensed?**

Contractors, firms and other entities that for a fee carry out renovation, repair and painting work that results in the disturbance of more than *de minimis* amounts of lead paint in or on pre-1978 target housing or child-occupied facilities must be licensed as "Lead-Safe Renovation Contractors" pursuant to 454 CMR 22.04, unless the entity is carrying out the work in a facility that he or she owns, using his or her own employees or unless the contractor has been certified by EPA pursuant to 40 CFR 745.89 prior to July 9, 2010. In the latter cases, the entity must receive a "Contractor Licensing Waiver" from DOS pursuant to 454 CMR 22.04(3) before engaging in the work and comply with all other requirements for the work, including those relating to the use of Certified Lead-Safe Renovator-Supervisors, compliance with work practices and recordkeeping.

**4. Where can I get a copy of the DLS regulations and the application forms for RRP-related licenses?**

DLS' "Deleading and Lead-Safe Renovation Regulations," 454 CMR 22.00, and related application forms may be downloaded from the agency's website at [www.mass.gov/dos](http://www.mass.gov/dos). Copies of 454 CMR 22.00 may also be purchased through the Massachusetts State Bookstore ( [www.sec.state.ma.us](http://www.sec.state.ma.us) ) . Copies of application forms, including the "Contractor Licensing Waiver" application may also be obtained at each DLS office (visit the DLS home page, [www.mass.gov/dos](http://www.mass.gov/dos), for a list of DOS offices), or may be downloaded from the agency's website at [www.mass.gov/dos](http://www.mass.gov/dos).

**5. I am going to replace some windows in a rental property (target housing) that I own. I am planning to do the work myself. Am I still subject to the RRP-related requirements of 454 CMR 22.00?**

Yes. Although both the EPA RRP Rule and the RRP-related requirements of 454 CMR 22.00 apply to work that is conducted for a fee, both agencies consider rents that are collected from current and future tenants in rental properties to be indirect fees. Therefore, 454 CMR 22.00 would apply in this case.

**6. How much will I have to pay for a "Lead-Safe Renovation Contractor License?"**

As of July 9, 2010, the fee charged for a Lead-Safe Renovation Contractor License pursuant to 454 CMR 22.00 and 801 CMR 4.02 is \$300 plus \$75 in surcharges for a five-year license. Fees are set periodically by the Executive Office for Administration and Finance.

**7. I applied to EPA for certification as a "Certified Firm" before DLS began enforcing its RRP-related requirements. Will I have to get another license from DOS in order to perform RRP-related work in Massachusetts?**

If you submitted an application to EPA to become certified as a "Certified Firm" before

July 9, 2010, you will not need to obtain a "Lead-Safe Renovation Contactor License" from DOS until the certification that you received from EPA expires. Save mailing receipts. As provided by 454 CMR 22.03(3)(b) and 22.04(3), you will need to apply for a Contractor Licensing Waiver in order to legally perform Renovation Work in Massachusetts, however. You will not be required to pay another licensing fee in order to get this waiver. If you applied for EPA certification after July 9, 2010, you will need to become licensed as a "Lead-Safe Renovation Contractor" pursuant to 454 CMR 22.00 in order to perform RRP-related work in Massachusetts.

**8. Does the Renovation, Repair, and Painting (RRP) Rule apply to demolishing and disposing of: An entire pre-1978 home or building? An entire, non-attached free-standing structure on the same property such as a garage, shed, or gazebo? An attached but segregated section of pre-1978 home or building such as a sunroom, addition, two-story porch, or garage attached by a breezeway?**

The RRP Rule covers renovations of existing structures or portions of structures, including accompanying demolition. The rule does **not** apply to demolitions of an entire free-standing building or structure.

Waste from renovations of existing structures (or portions of structures) must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

**9. I have obtained certification as a "Certified Renovator" from an EPA-approved training provider. Will I need to take "Lead-Safe Renovator-Supervisor" training from a DOS-approved training provider in order to supervise renovation projects in Massachusetts?**

No, a person who has received "Certified Renovator" training from an EPA-approved training provider and is in possession of a current, valid training certificate, will not have to receive certification from a DLS-approved training provider.

**10. I have previously taken a HUD-approved "lead-safe renovator" training course in connection with meeting the training requirements of the HUD Lead-Safe Renovation Rule, 24 CFR Part 35. Does this satisfy the training requirement for "Lead-Safe Renovator-Supervisors" under 454 CMR 22.00?**

No, but a person who has successfully completed such a course will only need to take a 4-hour refresher course for "Lead-Safe Renovator-Supervisors," as specified at 454 CMR 22.08(4)(f) in order to meet the training requirements for certification pursuant to 454 CMR 22.06(1).

**11. I have been contracted to replace the lead flashing on several chimneys on an old Victorian house. The total square footage of the flashing that will be replaced exceeds twenty square feet. Will my work be subject to the RRP-related requirements of 454 CMR 22.00?**

The RRP-related requirements only apply to renovation work involving the disturbance

of lead paint. So if the work involving the replacement of the lead flashing did not involve the disturbance of lead paint, it would not be subject to the RRP-related requirements of 454 CMR 22.00. However, if the removal and replacement of the flashing disturbs greater than twenty square feet of painted surface on the fascia, eaves or other painted building components (including painted brickwork) as part of the repair work, the requirements of 454 CMR 22.00 would apply.

**12. A competitor of mine who is also a housepainter told me that I must use plastic sheeting to cover the plants and ground around houses that I am scraping in preparation for painting - that I can no longer use the canvas tarpaulins that I have been using for many years. Is this true?**

Although the EPA RRP Rule requires that the plants and ground around the perimeter of a unit of target housing that is being scraped in preparation for painting be covered with plastic sheeting or a similar impermeable material (provided that more than 20 square feet of lead-painted surface is being disturbed), 454 CMR 22.11(9)(e)2 and 22.11(9)(g) allow the use of tarpaulins for the required covering of exterior surfaces, provided that said tarpaulins are thoroughly cleaned of all debris and dust after each use and are not used for any future work in the interiors of buildings.

**13. My company is a Certified Firm that does renovation work on pre-1978 housing units in Connecticut. Since I have only one supervisor (Certified Renovator), I often have him go after supplies if we run short. My workers continue with the work while he is gone, but the supervisor is always available by phone if they have any problems with the work. EPA tells me that this is OK as long as the supervisor is physically present at the worksite when the warning signs are posted, when the work area is being contained and when the work area cleanup and clearance are being conducted. I have become licensed (as a Lead-Safe Renovation Contractor) to do renovation work in Massachusetts. Can I still use my supervisor to go after supplies during the course of the work?**

No, in Massachusetts, pursuant to 454 CMR 22.11(4)(c), the Lead-Safe Renovator-Supervisor must be onsite and in control of the work at all times when work is in progress.

**14. I am a general contractor who is rehabbing some pre-1978 public housing units that contain lead paint. Since I will be changing out windows with my employees, I have become licensed as a Lead-Safe Renovation Contractor (Certified Firm) and my supervisors have taken the 1-day Lead-Safe Renovator-Supervisor (Certified Renovator) training. However, I am subbing out the electrical and plumbing work to other companies. Can they work under my license without being licensed as Lead-Safe Renovation Contractors themselves?**

No. It is assumed that subcontractors will be performing as independent contractors who are less subject to the direction and control of the prime contractor than employees would be and may even perform work when the prime contractor is not on site. Therefore the companies performing the plumbing and electrical work would need to be licensed as Lead-Safe Renovation Contractors if the work performed exceeded the limits of Minor Repair and Maintenance as defined in 454 CMR 22.02.

**15. I am installing a cellar window in a pre-1978 house. To do this, I need to make a hole in the block foundation wall that is painted with lead paint on the inside. Since the hole that I need to make covers less than six square feet of**

***surface, I am assuming that I won't trigger RRP-related requirements. Will I?***

It will depend on how the work is done. If the wall were broken out with a sledge hammer or other method that resulted in uncontrolled breakage of the painted block, the work would be subject to RRP-related requirements, since the Minor Repair and Maintenance exemption does not include work carried out by demolition. If the work were accomplished by a method which allowed the block to be removed substantially intact, it would fall under the Minor Repair and Maintenance exemption.

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