

Overview: H.736 – An act relating to lead poisoning prevention

What does it do?

Consolidates the authority to regulate activities related to lead-based paint under the Vermont Department of Health. Currently, regulatory authority is split between the Environmental Protection Agency (EPA) and the Vermont Department of Health (VDH).

Why is it needed?

The current requirements of the state and EPA are duplicative, confusing, burdensome and incongruent for property owners and contractors. This leads to lack of awareness and exposure to lead due to unsafe work practices.

Three goals:

1. Reduce confusion and regulatory redundancy (cut red tape)
 - Eliminates duplicative regulations for rental housing and child care facilities
2. Expand education, outreach, and training regarding lead-paint laws
 - Coordinated training courses will reduce confusing and to increased training availability
 - Increases state-level guidance for do-it-yourself renovators and homeowners
 - Allows state to implement a system to search licensed contractors
3. Improve compliance through better outreach at the state level
 - Establishes VDH as the one source for compliance and technical assistance for property owners, property managers, and contractors

Did you know?

- 627 children ages 1 to 5 years old were poisoned in Vermont in 2016.
 - 9 out of 10 cases investigated by VDH are from pre-1978 housing and the source is either deteriorated lead-based paint or unsafe renovation practices.
- There is no safe level of lead in the body, especially for children, where lead interferes in neurological and other developmental processes.
- Lead poisoning is permanent but is 100% preventable.
- The greatest contributor to childhood lead poisoning is lead dust and residue found in homes and soil surrounding homes.
- Most of this lead contamination is caused by lead-based paint that has deteriorated or has been disturbed through renovation or preparation for re-painting. Because lead was banned as an additive to residential-use paint in 1978, lead from paint is most likely to be found in structures that were built prior to 1978.
 - Most (70%+) residential buildings in Vermont were built before 1978 and likely contain lead paint.
- Lead poisoning is just as likely to occur in owner-occupied housing as in rental housing.

What are the laws now?

In 2008, the United States adopted, and in 2010 implemented, regulations for “Lead-Based Paint Poisoning Prevention in Certain Residential Structures: Residential Property Renovation” (40 CFR 745, Subpart E). The EPA currently administers these regulations under a program called the Lead-Safe Renovation, Repair, and Painting Rule (the “RRP Rule”). The RRP Rule requires contractors to use lead-safe work practices and educate their customers regarding the risks of lead-based paint. These are required anytime a contractor will be doing a project in a residential property or child-occupied facility that was built prior to 1978.

In Vermont, the RRP Rule overlaps with requirements for repair and maintenance of lead-based paint in pre-1978 rental property housing and child care facilities. Pre-1978 property owners in Vermont must seek guidance from two regulatory agencies, the EPA and the Vermont Department of Health.

Contractors and Property Managers

Who does this apply to?

- Only applies if the contractor or property manager performs renovation, repairs, painting, or maintenance at pre-1978 residential properties or child-occupied facilities

What are the requirements?

- If the company has more than one employee, it must have a Lead-Safe RRPM Firm license, issued by the Department of Health (same fee schedule as EPA)
- For each regulated job, there must be a trained *and* VT-licensed Lead-Safe RRPM Supervisor on site to perform or supervise the project
- For pre-1978 rental housing and child care facilities: Lead-safe work practices are required for any job that impacts 1 ft² or more of painted surface, interior (per room) or exterior (per exterior wall)
- For owner-occupied housing and child-occupied facilities that are *not* child care facilities (e.g., kindergarten classroom): Lead-safe work practices are required for window and door replacement and for any job that impacts painted surfaces over 6 ft² interior (per room)/20 ft² exterior
- Use of unsafe work practices is prohibited (18 V.S.A. §1760) without permit from the Vermont Department of Health

Pre-1978 Rental Property Owners

Who does this apply to?

- Owners of pre-1978 residential rental properties

What are the requirements?

- Rental property owners will continue to be responsible for routine lead-safe maintenance of their rental properties, annual filing of lead law compliance statements, and communication with their tenants regarding lead hazards
- Lead-safe maintenance must be performed or supervised by someone who has taken an accredited Lead-Safe RRPM training course
- If a property owner hires someone to perform lead-safe renovation, repairs, painting, or maintenance, that contractor or property manager must be a VT-licensed Lead-Safe RRPM Supervisor
- Use of unsafe work practices is prohibited (18 V.S.A. §1760) without permit from the Vermont Department of Health

Child Care Facility Owners

Who does this apply to?

- Owners of pre-1978 child care facilities licensed by the Department of Children and Families

What are the requirements?

- Child care facility owners will continue to be responsible for routine lead-safe maintenance of their rental properties, annual filing of lead law compliance statements (which is confirmed by DCF Child Care Licensing), and communication with families regarding lead hazards
- Lead-safe maintenance must be performed or supervised by someone who has taken an accredited Lead-Safe RRPM training course
- If a child care facility owner hires someone to perform lead-safe renovation, repairs, painting, or maintenance, that person must be a VT-licensed Lead-Safe RRPM Supervisor
- Use of unsafe work practices is prohibited (18 V.S.A. §1760) without permit from the Vermont Department of Health