Rule on Lead Safety Set to Take Effect

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Published: April 8, 2010

After almost two decades of delays, the Environmental Protection Agency said Thursday that it was on track to implement a regulation requiring the construction industry to help prevent cases of lead poisoning among children.

The agency said it expected more than 125,000 renovation and remodeling contractors to be trained and certified in lead-safe work practices by April 22, when the new regulation takes effect.

Under the rule, workers would have to take steps like containing their work area with plastic and conducting a thorough cleanup of lead paint dust stirred up during construction activity, which federal officials say is partly to blame for about 120,000 cases of elevated lead levels in children younger than 6 each year.

Congress passed legislation in 1992 directing the E.P.A. to propose the regulation, but the agency did not finish the rule until 2008, after environmental and public interest groups filed a lawsuit to pressure the agency to issue it.

Some environmental groups are now pushing to make the rule tougher, while builders are warning their clients that it will inevitably increase construction costs. The rule applies to work performed in homes and buildings occupied by children, including schools and day care centers built before lead paint was banned in 1978.

E.P.A. officials said on Thursday that with a housing stock of about 38 million units that are potentially affected by the rule, they expect it to produce results.

“We think it will be very effective,” said Steve Owens, assistant administrator for the E.P.A.’s office of prevention, pesticides and toxic substances. “It’s a rule designed to address one of the major sources of lead pollution.”

Lead, whether in dust, soil or paint chips in older and poorly maintained properties, is still the main environmental hazard for children in this country despite significant declines in childhood lead poisoning rates over the last 15 years, federal health officials say. Even at low levels, the metal can cause devastating neurological damage in young children, including a lowered I.Q. and behavioral problems.

Last year, the E.P.A. settled a second lawsuit by public interest groups who said that the renovation regulation still fell short of what Congress had mandated because it exempted work performed in homes that are not occupied by children younger than 6 or pregnant women, among other provisions. Tom Neltner, the co-chairman of the national toxics committee of the Sierra Club, one of the groups that sued, said the E.P.A. had agreed to reconsider the exemptions and propose changes.

Mr. Neltner said he was also concerned that the regulation, while imposing fines of up to $37,500 a day for each violation for workers (the rule does not carry penalties for

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consumers), will be largely self-enforced.

But he called the regulation “critically important for children” even in its current form. “The rule could be a game-changer because contractors no longer can claim ignorance,” he said. “Lead poisoning is entirely preventable — these are things that we can fix.”

But, many in the building industry have qualms. Carpenters, painters and other contractors say that federal officials have not advertised the new requirements widely enough and worry that many consumers may be skeptical when they face higher prices.

The National Association of Home Builders, with 180,000 member companies of which 70,000 do remodeling, has asked the E.P.A. to delay the rule to give the public and contractors more time to prepare.

Matt Watkins, an environmental policy analyst with the group, said that out of more than 235,000 contractors nationwide, only about 100,000 workers have so far been trained by E.P.A. approved providers.

“No one’s objecting to the rule itself,” Mr. Watkins said. “We think if there’s lead present you have to do something so that you don’t spread the lead dust.”

Contractors will also be required to invest in vacuums that suck up and trap dust and scaffolding for outdoor projects. Builders estimate the new rule could add $500 to $1,500 per job in time, materials and labor to protect against lead dust migration.

E.P.A. officials, however, said that, except for exterior jobs, following the new work practices would add only $8 to $167 per job.

The new rule does not cover homeowners performing their own renovations, but the agency said that they, too, should practice lead-safe working habits.

Mr. Neltner of the Sierra Club said that homeowners should insist on hiring only certified workers and should report violations as a way to make sure the rule is followed.

“There’s the ability for citizens to fill in even if the E.P.A. reneges on its responsibilities,” he said.

Joseph Berger contributed reporting.