

*Vermont Attorney General's Guidance on
Lead Safe Work Practices (04/16/10)*

Background. Lead safe work practices are work methods and techniques that must be used whenever disturbing small amounts of paint in pre-1978 housing or other places children frequent. As described below, **best practices dictate that whenever disturbing more than one square foot of paint on a pre-1978 home, childcare center or other structure which might be frequented by a child, the work must be done using safe work practices, and, if the work is paid, it must be done by a licensed renovation individual or firm under the direct supervision of a certified renovator.**

Two laws – one a state law and the other a federal regulation – require the use of lead safe work practices in Vermont. Use of lead safe work practices in homes and day care centers has been the law in Vermont since July 1, 2008. The United States Environmental Protection Agency (“EPA”) applies to any renovation, repair or painting performed on or after April 22, 2010.

Vermont Safe Work Practices. Under [Vermont law](#), no person shall disturb more than one square foot of lead-based paint using unsafe work practices in pre-1978 housing, including owner-occupied housing, or child care facilities. **All paint in such buildings is presumed to be lead-based unless a lead inspector or lead risk assessor has certified that it is not lead-based.** If the structure is rental housing, the person performing the work must have a Certificate of Essential Maintenance Practices (“EMP Certificate”).

Unsafe work practices include:

- Removing paint by dry scraping, machine sanding, grinding, or open flame torching.
- Uncontained hydro-blasting, high-pressure washing, abrasive blasting or sandblasting.
- Using heat guns above 1,100 degrees or methylene chloride chemical strippers.
- Failing to limit access to work areas, to enclose interior work with plastic sheathing, or to use protective clothing.
- Failing to mist painted surfaces before disturbing paint (e.g. scraping) or to wet paint debris before sweeping.

Federal Renovation, Repair and Painting Rule. As of April 22, 2010, an EPA regulation which is known as [the Renovation, Repair and Painting \(“RRP”\) rule](#) will require that a person *paid* to supervise or do a job which will disturb paint in pre-1978 housing and child-occupied facilities must be completed by an **individual or firm licensed by EPA to do renovation** under the direct supervision of a **certified renovator**.

Note: The RRP rule is broader in its reach than the Vermont safe work practices law because it applies to schools and other “child occupied facilities.” However, by its terms, the rule applies when disturbing more than six square feet of deteriorated paint inside, and more than 20 square feet outside.

Certification. Effective April 22, 2010, individuals or firms that perform renovations must be licensed by the EPA. Individuals who perform renovations must also be certified. Work performed at a site must be *directly supervised* by a certified individual.

For more information on certification requirements and where you can get training to meet these requirements, contact the [National Lead Information Center](#) at 1-800-424-LEAD (5323) or visit EPA's [Lead](#) website or the EPA "[Renovator and Trainer Tool Box](#)."

Best Practices. While the two laws have some differences and may be enforced by different governmental entities (Vermont law and the RRP rule can be enforced by the State; the RRP rule can be enforced by the EPA), Vermont painters, contractors, property managers, plumbers, carpenters, landlords, electricians and others must comply with both laws. **The simplest way to comply with both laws is to use lead safe work practices whenever disturbing 1 sq. foot of paint in pre-1978 housing or other structures frequented by children, and to hire someone who is licensed by the EPA to do the work and will ensure the work is done under the supervision of a certified renovator or painter.**

Alternatively, to make sure that the work is performed according to both laws, adhere to the most stringent requirements of each. For example:

The RRP applies anytime someone (for compensation) disturbs more than *six square feet of interior paint or twenty square feet of exterior paint*. Vermont's lead safe work practices law applies anytime someone disturbs one square foot of interior or exterior paint. Therefore, the advisable approach is to use safe work practices whenever more than one square foot of paint is disturbed, and, if paying for the work to be done, hire someone with an EPA license and certification to do the work.

The best approach for professionals working in the renovation field may be to have both an EPA license and certification as well as the Vermont EMP certification.

IF YOU ARE A...

Private homeowner working (disturbing paint) on your pre-1978 home, **FOLLOW** [Vermont law](#).

Landlord working on a pre-1978 rental property or child care facility, you must have an essential maintenance practices ("EMP") certified person (yourself or a contractor), **FOLLOW** [Vermont law](#) and have an EPA certified person (self or contractor) supervise the job according to [RRP rule](#).

Property Management Company working on a pre-1978 rental property or child care facility, **FOLLOW** [Vermont law](#) and have an EPA licensed firm with an EPA certified person (self or contractor) supervising the job according to [RRP rule](#).

General contractor working on a pre-1978 residence or child-occupied facility, **FOLLOW** [Vermont law](#) and have an EPA licensed firm with an EPA certified person (self or contractor) supervising the job according to [RRP rule](#).

Plumber working on a pre-1978 property where you will be disturbing more than one square foot of paint, **FOLLOW** [Vermont law](#). If you disturb more than six square foot of interior paint (or 20 square feet of exterior paint) you must also have an EPA certification or work under the supervision of an EPA certified person supervising the job according to the [RRP rule](#).

Carpenter working on a pre-1978 property where you will be disturbing more than one square foot of paint, **FOLLOW** [Vermont law](#) and have an EPA licensed firm with an EPA certified person (self or contractor) supervising the job according to [RRP rule](#).

Electrician working on a pre-1978 property where you will be disturbing more than one square foot of paint, **FOLLOW** [Vermont law](#). If you disturb more than one square foot of interior paint (or 20 square feet of exterior paint) you must also have an EPA licensed firm with an EPA certified person supervising the job according to the [RRP rule](#).

Additional information:

[Lead Safety During Renovation](#) (from EPA website)

[Small Entity Compliance Guide](#) (from EPA website)

[Vermont Attorney General's Lead webpage](#)

[Vermont Housing and Conservation Board website \(including list of regional RRP trainings\)](#)

[Vermont Home Builders and Remodelers' information on RRP](#)

[Associated General Contractors of Vermont](#)