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# PROGRAM GUIDANCE

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**PROGRAM:** Indian Housing Block Grant (IHBG) and Indian Community Development Block Grant (ICDBG)

**FOR:** All Tribal Government Leaders and Tribally Designated Housing Entities

**FROM:** for  Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, PN

**TOPIC:** Environmental Protection Agency (EPA) - Renovation, Repair, and Painting (RRP) Rule

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**PURPOSE:** On April 22, 2008, EPA issued a rule requiring the use of lead-safe work practices aimed at preventing lead poisoning in children. On April 22, 2010, the rule became effective and firms performing RRP that disturbs lead-based paint in homes, child care facilities and schools built before 1978 must be certified; individual renovators must be trained by an EPA-accredited training provider; and the firms and renovators must follow specific work practices to prevent lead contamination. The purpose of this guidance is to provide you with information on EPA's RRP Rule as it applies to HUD's Indian housing programs.

**APPLICABILITY:** Lead-based paint requirements apply to housing activities assisted under the IHBG and ICDBG Programs. The applicable regulatory requirements are 24 CFR 1000.40 for IHBG; 24 CFR 1003.607 for ICDBG; and for both programs, 24 CFR Part 35 which implements the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act of 1992.

**REQUIREMENTS:** Under this EPA lead safety rule, RRP jobs in target housing (that is, most pre-1978 housing) and pre-1978 child-occupied facilities (e.g. child care centers and nurseries that serve children under 6 years old) that disturb more than a small amount of painted surfaces must be conducted by an EPA- or State-certified renovation firm and have at least one certified renovator on the job to perform certain activities and oversee that the work is done safely. (The certified renovator may be a certified lead-based paint abatement supervisor who has completed the 4-hour RRP refresher course). This does not apply to units that have already been certified as lead-free by a qualified inspector.

If RRP work on a job is outsourced, a tribe or tribally designated housing entity (TDHE) must ensure that the firm doing the work is a certified renovation firm; the firm is responsible for using a certified renovator on the job and for training the other workers in lead-safe work practices needed on the job. Although the renovation firm would be responsible for any fines (approximately \$32,000 a unit), the tribe/TDHE could still have civil liability issues.

If the work is done by tribal employees, such as its force account workers, the tribe/TDHE must become a certified renovation firm, and one or more of the workers (typically a crew chief or supervisor) must become a certified renovator, as follows:

- **Certification:** A tribe/TDHE using its employees to do RRP work needs to have enough certified renovators so that each RRP job in target housing has a certified renovator on the jobsite for certain activities specified in the RRP Rule, and available at other times on the jobsite or elsewhere (for example, at other jobsites). Smaller tribes/TDHEs, or those with little target housing, may need just one certified renovator. Workers doing RRP work on target housing who do not perform the certified renovator's activities need just the HUD-approved lead-safe work practices training they should already have received for compliance with HUD's Lead Safe Housing Rule.
- **Costs:** The EPA's fee for the certification is \$300. The certification is valid for 5 years. The cost for a certified renovator's certification, including tuition, travel, and employee time, varies depending on market conditions. EPA allows a person who has passed an 8-hour HUD-approved lead-safe work practices training course to take just the 4-hour RRP refresher course to become certified, rather than take the 8-hour initial RRP certification course.

Tribes/TDHEs which have their force account doing RRP work in pre-1978 housing and which are complying with HUD's Lead Safe Housing Rule already have workers who have completed a HUD-approved lead-safe work practices training, so only the refresher course would be required for a force account supervisor or worker to become a certified renovator. The EPA estimates of the costs, including tuition, travel, and employee time, are about \$370 for taking the RRP refresher course, or about \$600 for taking the initial RRP course.

#### **AVAILABILITY OF ACCREDITED TRAINERS AND CERTIFIED FIRMS:**

EPA has created an accredited training provider locator on its website, where a tribe/TDHE can find a training provider based on their location. There are approximately 140 trainers nationwide.

A tribe/TDHE seeking certification training for its staff should be diligent in its search for RRP training providers, starting first with the local providers, then others accredited in the state, and then others with nationwide accreditation. Similarly, a tribe/TDHE seeking a certified firm to conduct RRP work should be diligent in its search for firms, starting first with local firms, then others certified in the state.

In either case, the tribe/TDHE should document its search, including the nature of the services (training or RRP work) desired, the scope of the services (number of people it wants trained, or number of housing units it wants renovated), the time period when it wants the services to be conducted, and contact information on the training providers or renovation firms contacted and the services and/or choices they offered to provide, if any. If the search for a training provider or renovation firm is unsuccessful, in addition to keeping the original documentation in the project file, the tribe/TDHE should send a copy of the search documentation to [Lead.Regulations@hud.gov](mailto:Lead.Regulations@hud.gov) so that it can be forwarded to the Office of Healthy Homes and Lead Hazard Control for review, and for discussion with EPA staff.

**RESOURCES:** For questions about the Lead Safe Housing Rule and how to comply with the RRP Rule and the Lead Safe Housing Rule, please contact HUD's Lead Regulations hotline, operated by the Office of Healthy Homes and Lead Hazard Control, at (202) 402-7698 or [Lead.Regulations@HUD.gov](mailto:Lead.Regulations@HUD.gov), or go to that office's website, [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead).

For additional regulatory and technical information about the RRP Rule, please go to the EPA's RRP Rule website, [www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe), or contact the EPA-HUD National Lead Information Clearinghouse, at 800-423-LEAD (4323) or [www.epa.gov/lead/pubs/nlic.htm](http://www.epa.gov/lead/pubs/nlic.htm).

Hearing- or speech-challenged individuals may access the numbers above through TTY by calling the toll-free Federal Relay Service at 800-877-8339.