

LEAD EXPERTS

A Lead Hazard Training Provider

THE LEAD ABATEMENT ADVISOR

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Your Free Newsletter of
Lead Hazard Control Information

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OUR SERVICES INCLUDE:

- * Lead Paint Risk Assessments and Clearance Reports**
- * Lead Abatement Consulting * Lead and Asbestos Abatement Training**
- * OSHA Programs: Lead, Respirator, PPE, HazCom, Fall Protection**
 - * Customized Safety Programs * DOT HazMat Training**
 - * Air and Noise Sampling**
- * OSHA Training: Lift Truck, HazCom, PPE, Lockout/Tagout, Confined Space,**
 - Emergency Evacuation, Fire Prevention, Spill Response, Electrical Shock & Arc**
 - Flash Protection, Bloodborne Pathogens, Excavation, Fall Protection, Scaffolding**
- * Respirator Training and Fit Tests * Indoor Air Quality Investigations**
 - Mock OSHA/EPA/DOT Audits * Environmental Permitting and Reporting**
 - * ISO 14001 EMS Training and Consulting**
 - Management Training: Supervisory Skills, Modern Safety Management Skills,**
 - Behavior Based Safety**

The Advisor is prepared by The Dell Group, Inc. to inform its clients and friends of developments in lead-based paint hazard evaluation and control, safety management, environmental compliance, and new developments in the environmental remediation field. The newsletter is available free of charge to interested parties. The articles appearing in this newsletter do not constitute legal or other advice or opinion. The views expressed in this newsletter are not necessarily those of The Dell Group, Inc. The application of various laws and regulations to your business operations may depend on many specific facts. Questions regarding your operation relative to the topics discussed in this newsletter should be directed to a qualified professional. For more information, call us at (800) 259-8930 or info@dellgroup.com.

GET RRP TRAINING NOW! COMPLIANCE DATE FAST APPROACHING

Rule Establishes Requirements to Protect Children During Renovation, Repair and Painting Activities that Disturb Lead-Based Paint

The USEPA has issued a new rule aimed at protecting children from lead-based paint hazards. The rule applies to renovators and maintenance professionals that work in housing, child-care facilities and schools built prior to 1978. The rule, [Lead: Renovation, Repair and Painting Program](#) requires that contractors and maintenance professionals be certified; that their employees be trained; and that they follow protective work practice standards. These standards prohibit certain dangerous practices, such as open flame burning or torching of lead-based paint. The required work practices also include posting warning signs, restricting occupants from work areas, containing work areas to prevent spreading dust and debris, conducting a thorough cleanup, and verifying that cleanup was effective. *The rule will be fully effective by April 2010.*

This rule is one component of a comprehensive program that will also include an education and outreach campaign to promote lead-safe work practices. While the Consumer Product Safety Commission banned lead-based paint for residential use in 1978, almost 38 million U.S. homes still contain some lead-based paint, with two-thirds of the houses built before 1960 containing lead-based paint. Renovation activities that disturb lead-based paint can create lead hazards that permanently harm children under 6 years old. The rule and additional information can be accessed at www.epa.gov/lead.

What is covered by the rule?

The rule applies to paid contractors working in pre-1978 housing, child care facilities and schools with lead-based paint. This includes home improvement contractors, maintenance workers in multi-family housing, painters and other specialty trades. Covered facilities include residential, public or commercial buildings where children under age six are present on a regular basis, as well as all rental housing. The rule applies to renovation, repair or painting activities, but it does not apply to minor maintenance or repair activities affecting less than six square feet of lead-based paint in a room or less than 20 square feet of lead-based paint on the exterior. Window replacement is not minor maintenance or repair.

What does the rule require?

The rule requires that renovators are trained in the use of lead safe work practices, that renovators and firms be certified. Certain dangerous work practices are prohibited for every renovation, including minor maintenance or repair jobs:

- Open flame burning or torching;

- Sanding, grinding, needle gunning, or blasting with power tools and equipment not equipped with a shroud and High Efficiency Particulate Air (HEPA) vacuum attachment, and/or
- Using a heat gun at temperatures greater than 1100° F.

These are examples of required work practices:

- Renovations must be performed by certified firms;
- Certified firms must use certified renovators to perform certain activities and will provide on-the-job-training for uncertified workers;
- Firms must post signs clearly defining the work area and warning any persons not involved in renovation activities to remain outside of the work area;
- Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed;
- Waste from renovation activities must be contained to prevent releases of dust and debris, and
- After the renovation is complete, the firm must clean the work area. The certified renovator must verify the cleanliness of the work area using a procedure involving disposable cleaning cloths.

Firms performing renovations are responsible to ensure that:

- All persons performing renovation activities are certified renovators or have received on-the-job training by a certified renovator;
- A certified renovator is assigned to each renovation performed by the firm, and
- All renovations are performed in accordance with applicable work practice standards.

A certified renovator:

- Performs or directs uncertified workers performing regulated renovation activities;
- Provides training to uncertified workers on lead safe work practices;
- Is required to be at the work site during key stages of a renovation, and at other times be available on-site or by telephone, and
- May use an acceptable test kit to determine whether lead-based paint is present in affected areas.

How do firms and individuals become certified?

Firms that perform renovations for compensation will apply to the USEPA or a state program that is EPA approved. Firms will have to apply for re-certification every five years.

A person can become a certified renovator by either:

- Successfully completing an accredited 8 hour renovator training course, or
- Successfully completing an accredited 4 hour refresher renovator training course, if the individual *previously completed* an accredited lead abatement worker or contractor course, or has completed an EPA/HUD/Ohio model renovation training course.

To maintain certification, a person must complete an accredited refresher course every five years.

What is NOT covered by the rule?

The rule does not apply to:

- Minor repair and maintenance activities that disrupt six square feet or less of painted surface per room for interior projects, and twenty square feet or less of painted surface for exterior projects;
- Renovations where it is determined the renovation will not involve lead-based paint. The determination that the components affected by the renovation are free of lead-based paint can be made by a certified inspector or risk assessor, or by a certified renovator, using an EPA recognized test kit, and/or
- Owner-occupied housing where the owner is performing his/her own renovation work.

When is this rule effective?

The training, certification, and work practice standards will become effective as follows:

- Firms may apply for certification beginning October 2009 and must be certified by April 2010, and
- After April 2010, all renovations must be performed by certified firms in accordance with the work practice standards and associated recordkeeping requirements.

Call Lead Experts to register for upcoming training classes at 800.259.8930

8-Hour RRP class: *Cleveland – November 6 & December 15; Toledo – November 10
Akron – November 23*

4 Hour RRP class: *Cleveland – November 20 & December 18; Toledo – November 11*

For general information contact the [National Lead Information Center](#) at 1-800-424-LEAD. Information is also available at www.epa.gov/lead. For technical information regarding this rule, contact Mike Wilson at (202) 566-0521 or by e-mail at wilson.mike@epa.gov.

EPA ANNOUNCES NEW STEPS TO PROTECT AMERICANS FROM LEAD POISONING

Dust Wipe tests will be required to clear certain jobs...

The U.S. Environmental Protection Agency recently announced a series of steps to increase protections against and raise awareness of lead-based products in our environment:

- Additional proposed requirements to protect children from lead-based paint, and
- A new effort to ban the manufacture of lead in tire weights.

EPA has reached a settlement agreement with activists that could lay the groundwork for the agency to make substantial changes to a Bush-era rule aimed at reducing childhood exposure to lead paint dust from renovation work, which activists, lawmakers and the agency's science advisors have argued is inadequate in its current form.

The move comes in the wake of activist concerns that increased funding for home weatherization in the Obama administration's economic stimulus program creates an urgent need to strengthen the rule to prevent increased exposures.

But environmentalists want the agency to go even further, and recently petitioned the agency to tighten the numerical lead dust standards upon which the lead paint rule and other EPA lead regulations are based.

The additional requirements on lead-based paint that EPA intends to propose are the result of a settlement of litigation brought by the Sierra Club, the New York City Coalition to End Lead Poisoning and other stakeholder groups in 2008. The settlement calls for revisions to the 2008 rule governing lead safe work practices used during repair, remodeling and renovations. (RRP Rule)

Under the proposed requirements, renovation firms would have to conduct clearance wipe tests to ensure that lead levels in dust comply with EPA's standards after certain renovation, repair, and painting activities are performed and to provide information to building occupants on the lead safe work practices utilized during renovations.

EPA will undertake at least three separate rulemakings to expand coverage and strengthen requirements of the 2008 Renovation, Repair and Painting rule, which takes effect in April, 2010.

Under the settlement agreement with several environmental groups the EPA will issue the first of four proposals to amend the so-called lead renovation, repair and painting rule (RRP). The Bush EPA reluctantly issued the rule after years of congressional pressure and courtroom pressure from activists.

Among the provisions EPA intends to change is the method with which renovation workers operating in lead paint contaminated buildings must use to verify their work area is sufficiently cleaned of lead dust after a job is completed, an issue that was fiercely debated during the rule making process.

The current rule requires only a visual inspection of the work area -- a so-called "white glove" test -- while activists argued laboratory "clearance" tests similar to those required by HUD and Ohio Department of Health are needed to ensure lead dust levels are safe. Industry groups, on the other hand, argued renovation workers should not be responsible for verifying the buildings they work in are clean, since they were not responsible for putting the lead paint in there in the first place.

As a compromise with activists, the USEPA will propose in April 2010 to require clearance testing in certain circumstances that disturb the largest quantities of lead paint, such as power sanding, grinding or abrasive blasting, as well as jobs that involve the demolition or removal of more than six square feet of plaster.

Under the proposal, EPA will also require renovation workers to have dust sampling performed when a heat gun is used at temperatures below 1100 degrees, where a window or door frame is removed and also those that involve scraping an area larger than 60 square feet or removing more than 40 square feet of trim or molding.

However, under the proposal, even if test results reveal dangerous levels of lead dust, EPA will not require renovation workers to address the problem. Instead, workers will conduct the testing and provide documentation to the owners and occupants of the building in question, leaving it to the owner whether or not to do additional cleanup work.

To enforce the new verification procedure, EPA plans to propose a rule to require contractors to provide the building's owners and occupants with documentation of the testing results and the work practices used. EPA submitted the proposed rule to the White House Office of Management & Budget. The settlement requires the agency to propose the rule in October and finalize it in April 2010.

The rule EPA will propose in October will also eliminate the so-called "opt-out" exemption of the current rule, under which renovation firms may avoid complying with its safe work practice requirements if a homeowner verifies there are no children or pregnant women living on the premises. Activists argued the exemption was illegal because the Toxic Substances Control Act (TSCA) requires the rule to protect children, and there is no way of knowing whether children or pregnant woman will move into a building after a renovation is complete.

The third and fourth EPA proposals will deal with non-residential buildings. The third, to be proposed in December 2011 and finalized in July 2013 will seek to establish work practice standards for work on the exterior of lead paint contaminated buildings, whereas the current rule only deals with residential buildings and other child-occupied facilities such as schools and day care facilities.

The fourth proposal will be issued in 2011 after EPA consults with its Science Advisory Board in and seek public comment on whether such standards are also needed for the interior of non-residential buildings.

All four proposals are the result of a lawsuit activist groups, including the Sierra Club and the Center for Environmental Health, filed shortly after the previous administration finalized the rule in April 2008. The National Association of Home Builders (NAHB), an industry group, also filed a lawsuit opposing the rule as too strict.

EPA will also pursue a lead tire weights ban in response to a separate lawsuit filed by activist groups including the Ecology Center and the Sierra Club. The weights are used predominately to balance replacement tires for autos and light trucks, resulting in soil and water pollution.

The agency estimates that "2,000 tons of lead from tire weights are lost from vehicles and ultimately end up in the environment each year," according to a recent statement. "Tire weights without lead are already being used and can be effectively substituted," EPA says.

EPA will pursue a ban on the manufacture and distribution of lead tire weights in response to a 2009 petition from the Ecology Center, the Sierra Club and other NGOs requesting that the agency establish regulations prohibiting their use. Lead weights are used predominately in the tire replacement market to balance tires of autos and light trucks in the United States. They can fall off wheels, break down and contaminate soil, wash into sewers, transported to municipal landfills or incinerators. Tire weights without lead are already being used and can be effectively substituted.

Lead causes a variety of adverse health effects, including brain and nervous system disorders, high blood pressure and hypertension, and reproductive problems. For children, even low levels of exposure to lead can cause a host of developmental effects such as learning disabilities, decreased intelligence, and speech, language, and behavioral problems, which can impact children for a lifetime.

Resume Blunders

Why are you interested in this position: "To keep my parole officer off my back"

Qualifications: "Stalking, Shipping & Receiving," "28 dog years of experience (four human)." "Twin Sister has Accounting Degree." "Extensive experience with foreign accents." "Can function without additional oxygen at 24,000 feet."

OSHA UPDATE

NURSING HOMES AND MANUFACTURES TARGETED FOR 2009 OSHA INSPECTIONS

The Occupational Safety and Health Administration's Site-Specific Targeting 2009 program will focus enforcement efforts on nearly 4,000 high-hazard worksites. The program helps OSHA direct enforcement resources to workplaces with the highest rate of injuries and illnesses occur.

Changes to this year's program include dividing the primary list of targeted establishments into three sectors - manufacturing, non-manufacturing, and nursing homes. The agency will inspect establishments that exceed the average injury rates of that sector. Some facilities that did not answer an OSHA Data Initiative survey will be added to the inspection list.

The inspection program is based on injury and illness data from the agency's 2008 Data Initiative survey of 80,000 employers, with 40 or more workers, in industries with historically high occupational injury and illness rates. The list includes 3,100 manufacturing, 500 non-manufacturing establishments and 300 nursing homes with higher rates.

OSHA ISSUES FINAL RULE UPDATING PERSONAL PROTECTIVE EQUIPMENT STANDARDS EFFECTIVE OCTOBER 9, 2009

OSHA is revising the personal protective equipment (PPE) sections of its standards regarding requirements for eye- and face-protective devices, head protection, and foot protection. OSHA is updating the references in its regulations to recognize more recent editions of the applicable national consensus standards, and is deleting editions of the national consensus standards that PPE must meet if purchased before a specified date.

In addition, OSHA is amending its provision that requires safety shoes to comply with a specific American National Standards Institute (ANSI) standard, and a provision that requires filter lenses and plates in eye- protective equipment to meet a test for transmission of radiant energy specified by another ANSI standard. In amending these paragraphs, OSHA will require this safety equipment to comply with the applicable PPE design provisions. These revisions are a continuation of OSHA's effort to update or remove references to specific consensus and industry standards located throughout its standards.

BITS AND PIECES

Parent Clash with Police -- Police clashed with residents of two neighboring villages in northern China where nearly all the children were poisoned by lead, apparently from a nearby smelter, reports said, the latest sign of growing anger over China's rampant industrial pollution. Several hundred villagers tore down fences and blocked traffic outside the Dongling Lead and Zinc Smelting Co. in Shaanxi province after news of the poisoning emerged last week, state media and Villagers said.

Three Cheers -- Bank of America announced it would phase out financing for companies that practice mountaintop removal (MTR) coal mining.

Computer maker Dell has committed to reducing 20 million pounds of computer packaging in materials over the next four years, equivalent to saving more than 150,000 trees.

The Chesapeake Bay Foundation released the first online nitrogen calculator, where you can calculate your nitrogen footprint, at www.cbf.org/yourbayfootprint. Nitrogen is to water pollution what carbon is to air pollution.

Building a Risk-Free Society – A circus clown performing in Liverpool was ordered not to wear his classic oversized shoes because he could trip and injure someone. ... BBC producers, wielding a “telephone-book-size” set of safety precautions while making a recent adventure documentary, ordered Sir Robin Knox-Johnston (the first person to sail single-handedly and nonstop around the world) not to light a portable stove unless a “safety advisor” supervised.

Critters 4, Humans 0 -- A 17-year old boy in Reno, NV, accidentally set his family's house on fire trying to kill spiders. A woman in Santa Fe, NM, accidentally caused severe fire damage to her home while trying to torch a rattlesnake. A 26-year-old man in Mobile, AL, accidentally caused \$80,000 damage to his home and a shed trying to kill a swarm of bees. A Buddhist monk accidentally burned down his temple in Ojiya City, Japan, trying to destroy a hornets' nest.

The Food and Drug Administration, widely criticized for lax inspection of domestic and imported foods, responded to several outbreaks of food-borne illness this year by spending \$300,000 to hire a public relations agency to “create and foster a lasting positive image” for the FCA.

Pirates operating in the waters off Africa and Southeast Asia attacked and seized an estimated 2,400 vessels between 2000 and 2006, costing businesses up to \$16 billion a year.

** 2010 Training Schedule **

LEAD EXPERTS

Type, Length and Price	Location	Course Month / Dates					
<u>Contractor Initial - 40 Hour</u> \$795 Per Trainee	Toledo Cleveland Columbus	Mar 8 – 12					
		Jan 25 – 29	Mar 22 – 26	May 17 – 21			
<u>Contractor Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Columbus	Mar 3	May 26				
		Feb 11	Apr 8	Jun 3			
		Apr 1					
<u>Worker Initial</u> \$595 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio's requirements for Worker Classes. A Worker enrolling in these classes will be charged the <i>lower</i> fee shown in this section. Please call if you have <u>any</u> questions.						
<u>Worker Refresher</u> \$195 Per Trainee							
<u>Inspector Initial - 24 Hour</u> \$475 Per Trainee	Toledo Cleveland Columbus	Jun 7 – 9					
		Feb 1 – 3	Apr 19 – 21				
<u>Inspector Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Columbus	Mar 2	May 25				
		Feb 10	Apr 7	Jun 2			
		Mar 31					
<u>Risk Assessor Initial - 16 Hour</u> \$320 Per Trainee	Toledo Cleveland Columbus	June 10 – 11					
		Feb 4 – 5	Apr 22 – 23				
<u>Risk Assessor Refresher - 8 Hr</u> \$195 Per Trainee	Toledo Cleveland Columbus	Mar 2	May 25	Jun 2			
		Feb 10	Apr 7				
		Mar 31					
<u>Renovation, Repair and Painting Certification Initial - 8 Hour*</u> \$225 Per Trainee	Toledo Cleveland Columbus	Jan 13	Mar 4	May 13			
		Jan 20	Feb 17	Mar 18	Apr 14	May 5	Jun 23
		Feb 25					
<u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr*</u> \$135.00 per Trainee	Toledo Cleveland Columbus	Jan 14	Mar 5	May 14			
		Jan 21	Feb 18	Mar 19	Apr 15	May 6	Jun 24
		Feb 26	*EPA RRP accredited classes for certification under Section 402 of TSCA				

If You Have Any Special Needs Or Need Reasonable Accommodations, Please Contact Us Immediately

Our schedule changes continually throughout the year due to demand and class size.

Our current schedule can be found at www.leadexperts.org.

YOU ARE NOT ENROLLED IN ANY CLASS UNTIL THE REGISTRATION FORM IS COMPLETED, RETURNED AND CONFIRMED. Certificates will not be issued if you are late to class. Certificates are held until paid in full.

All licensing courses are approved by the Ohio Department of Health

Ohio Department of Health Requires Refresher Courses Be Taken During Second Year of Your Two Year License Period

On Site Classes Available, Closed Enrollment - Your Location / Your Students - Priced per Day, Call for More Information

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