



## Lead Safe Renovation and Repair in Massachusetts October 4, 2010

As of July 9, 2010, new rules for renovation, repair and painting work in pre-1978 residences and child-occupied facilities in Massachusetts took effect under the authority of the Massachusetts Division of Occupational Safety (DOS.) DOS has been authorized by the US Environmental Protection Agency to administer these state rules in lieu of the federal Renovation, Repair, and Painting (RRP) rules. The DOS requirements, which are set forth in 454 CMR 22.00, are similar to those in the federal RRP rule, but there are some significant differences that insulation and air sealing contractors should be aware of. Some of the differences and similarities are outlined below. The full text of the MA DOS rules is available at their website: [www.mass.gov/Elwd/docs/dos/lead\\_asbestos/RRP%20Rule/Lead\\_454CMR22%2000.pdf](http://www.mass.gov/Elwd/docs/dos/lead_asbestos/RRP%20Rule/Lead_454CMR22%2000.pdf)

- Reusable tarps are allowed for outside ground cover in the DOS standard, but they are not allowed for indoor use. Tarps must be properly cleaned after each use, without allowing dust or debris to scatter. HEPA vacuuming is the correct approach. This replaces the EPA requirement to use plastic sheeting required for ground cover and to dispose of the sheeting after each use.
- DOS requires that a supervisor ("lead-safe renovator supervisor" or "certified renovator") must be on site at all times. This is different from the EPA rules, which allow for a certified renovator to oversee multiple jobs simultaneously.
- The homeowner opt-out provision is now longer allowed, either by DOS or EPA.
- The state will recognize firms that acquired a firm certification from EPA or an EPA authorized state, such as Rhode Island, before July 9, 2010, however these firms must still obtain a Contractor Licensing Waiver through DOS. The waiver does not have a fee and can be obtained by submitting the application form found on DOS's website.
- DOS requires pre-work notification, and distribution of the EPA "Renovate Right" brochure, as specified in the RRP rule, will fulfill that requirement.
- DOS's rules have the same record keeping provisions as EPA's. Contractors must document their communications with homeowners and retain those records for at least three years.
- DOS has the same lead testing rules as EPA, including requirements to maintain records of testing procedures and results.
- DOS rules have the same threshold limits as EPA's (20 sq ft exterior and 6 sq ft per room on the interior,) and the same requirement to use HEPA attachments on power tools.

The Division of Occupational Safety also maintains a hotline which contractors can call with questions about the lead regulations. This phone line is staffed during regular business hours. If someone is not available to answer the phone, you can leave a message and they will return your call as soon as possible. The number is 617-969-7177.

### **Information Session – Friday, October 22<sup>nd</sup>**

In an effort to assist contractors who participate in the Mass Save and DHCD-funded weatherization programs, DOS will be conducting an informational session on the Commonwealth's lead safe rules for contractors.

DOS staff will make a presentation on the new rules, and be prepared to answer contractors' questions.

The session will be held in Boston on October 22<sup>nd</sup> from 8:30 – 10:30 AM

To secure your spot, please email your RSVP to [BostonLeadSession@gmail.com](mailto:BostonLeadSession@gmail.com) by October 20<sup>th</sup>.

Due to space limitations, attendance is limited to only one representative per company. You will receive a confirmation email which will include the location of the session.