

S,
ble

JLC Report

Uncertainty Abounds as Lead-Safe Remodeling Deadline Nears

Under the EPA's new Renovation, Repair, and Painting (RRP) rule, virtually all contractors who perform work for hire on pre-1978 housing will need training and certification in lead-safe work practices, or face fines and possible jail time (see "New Rules for Lead-Safe Remodeling," 5/09). But with the April 22, 2010, deadline for contractor certification fast approaching, confusion surrounds one of the key provisions, an "opt-out" clause that allows contractors to sidestep most of the rule's lead-safe work requirements if clients certify that no pregnant women or children under six live in their homes. According to EPA estimates, more than 7 million "renovation events" and 40 million housing units would qualify for this exclusion.

Soon after the RRP program was announced, however, several public interest groups — including the National Center for Healthy Housing and the Sierra Club — challenged the clause in court, claiming it violates a requirement that the federal government protect children from lead poisoning. To settle the case, the EPA agreed last summer to propose changes to the rule, including elimination of the opt-out provision. Under the terms of the settlement, those changes must be finalized by April 22, when the RRP takes effect.

Most knowledgeable observers believe the opt-out clause won't remain in its current form. "Opt-out is dead in the water," says Greg Antonioli, a Boston-area contractor and president of the eastern Massachusetts NARI chapter, who met with EPA officials in January. But Antonioli — who is among a small minority of contractors already distributing the EPA's mandatory lead-safety pamphlet "Renovate Right" — doesn't believe that removing the opt-out clause will have much of an effect on how his company manages its jobs. "A good percentage of our clients have kids, and they're already concerned about lead," he says.

Not enough trainers, not enough time. If the opt-out provision is eliminated, the EPA estimates that another 100,000 contractors will have to be added to the more than 230,000 already in need of training before the April deadline. With fewer than 150 EPA-accredited trainers nationwide and only 4,000 contractors certified at the end of 2009, many are hoping the EPA will delay implementation of the RRP.

According to EPA spokesperson Dale Kemery, however, that's not likely to happen. Kemery points out that contractors have already had plenty of time to prepare for the RRP since it was announced in 2008, and notes that certification is automatic on completion of the one-day training session. He does concede that the EPA will likely lose its

■ The latest numbers from the Bureau of Labor Statistics show that the construction industry was among the hardest hit by the recession in 2009. Carpentry jobs declined by 17 percent to about 1.3 million. Construction laborer positions dropped nearly 14 percent in the first part of this year, to 1.56 million. Losses for architects and mechanical engineers jumped by nearly 18 percent. But brighter days may lie ahead. The bureau's most recent Monthly Labor Review — which looks at employment projections through 2018 — predicts that carpenter jobs will grow by as much as 13 percent and construction-labor jobs by 20 percent. Architecture and engineering jobs are expected to grow by about 10 percent. — T.H.

■ U.S. glassmakers suffered an economic and symbolic blow when a Chinese company was awarded the contract to provide blast-resistant glass for the first 20 floors of the new World Trade Center in Manhattan. China has been capturing an increasing share of the global market for flat glass, two-thirds of which is used in construction. A study released last fall reports that imports of Chinese glass tripled between 2003 and 2008 and that employment in the U.S. glass industry declined by 30 percent in the last decade. — D.F.

■ Massachusetts officials have announced ambitious new energy-efficiency standards for utilities. The state hopes to cut electrical and natural-gas consumption by 2.4 percent and 1.15 percent respectively. The bulk of the \$1.6 billion plan consists of incentives for customers who reduce their usage through insulation upgrades and new power-saving appliances. Officials say implementing the new measures will reap \$6 billion in eventual savings while creating 25,000 new jobs. — D.H.

JLC Report

Lead-Safe Remodeling Deadline
continued from page 17

ability to fast-track the 90-day processing time for certification applications as the April deadline approaches and more and more contractors apply.

Costs for the training vary, but seem to average \$250 to \$300. (For an overview of the RRP's requirements and a state-by-state list of training providers, see epa.gov/lead/pubs/renovation.htm.) The EPA charges another \$300 for firm certification (a firm can either be a company or an individual). This certification is good for five years.

No mercy. Both the GC and any subs who work for him — including plumbers and electricians, as well as demolition subs and window-replacement crews — must be certified. While the EPA says it's more interested in teaching firms how to comply with the rule than busting those

who don't, Antoniolli believes the agency will come down hard on those who miss the deadline or ignore the requirements. "Where there's often a 60-day grace period with other EPA rules, there won't be with RRP," he says. "EPA told us that they will be looking to make an example of someone on day one. It's not going to be like OSHA, where you can negotiate down your fine by taking a few classes." Fines could be as high as \$37,500 per occurrence per day.

Just who will do the policing is unclear. The EPA has acknowledged that it doesn't have enough resources to fully monitor compliance. In the few states that have already authorized the RRP — currently Wisconsin, Iowa, and North Carolina, with approval pending in several others — that responsibility will fall to state officials. In other states, the EPA itself will assume responsibility. The agency

has said that it will follow up on reports of noncompliance, and has established a lead hotline (800/424-LEAD) for anonymous tipsters.

What's this going to cost? There's no question that compliance will add to the cost of doing business, but estimates of the amount vary wildly. The EPA puts the cost at a mere \$35 per job, while many contractors say that per-job figures of \$1,200 to \$1,600 are more realistic.

Still, Antoniolli — who's certified his field personnel — says he views the rule as an opportunity, not a burden. "Most of our dust containment and collection measures are already better than the EPA's," he says. "And where common-sense work practices conflict with the letter of the rule, we'll just follow the EPA's advice: Do the best we can, then document, document, document. They're not trying to put contractors out of business." — A.W.

Haiti Says Thanks But No Thanks to Formaldehyde Trailers

A proposal to send formaldehyde-tainted Katrina trailers to Haiti to house earthquake survivors is receiving a cool reception from both administration officials and the Haitian government.

In a January letter to the Federal Emergency Management Agency about its plan to auction 100,000 mothballed trail-

ers, Representative Bennie Thompson of Mississippi, chairman of the House Committee on Homeland Security, expressed concern about the trailers' safety for long-term housing and suggested that earthquake survivors could use them for temporary shelter or as emergency clinics.

Lobbyists for the RV industry and some

members of Congress have welcomed the proposal, which would divert a flood of low-priced trailers away from a U.S. market already battered by the recession. But critics note that while auction buyers receive legal notice of the risks of formaldehyde and must acknowledge that the trailers are only for "nonoccupancy" use, Haitians wouldn't receive this warning.

"Just because you're poor and have no place to live doesn't mean you want to live in a formaldehyde trailer," protested Representative Donna Edwards of Maryland during a recent House hearing on the matter. Officials with FEMA and the U.S. Agency for International Development — which is coordinating relief efforts in Haiti — said they haven't even discussed the plan, and Haitian Culture and Communications Minister Marie Laurence Jocelyn Lassegue was quoted as saying, "I don't think we would use them. I don't think we would accept them." — A.W.

Members of Congress and RV lobbyists have proposed sending some of the government's stockpile of 100,000 potentially formaldehyde-tainted FEMA trailers to Haiti. Shown here is one of the lots, 15,000 trailers stored at the Hope, Ark., airport.