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Post-Disaster Renovations and Lead-Based Paint

More Information

What is EPA's Lead Renovation, Repair and Painting (RRP) Rule?

Contractors performing renovation, repair and painting projects that disturb more than six square feet of painted surfaces in homes and child-occupied facilities (including child care centers and schools) built before 1978 must, among other things, be certified and follow lead-safe work practices. Federal law requires that individuals receive certain information, such as EPA's *Renovate Right* brochure, before starting work.

How do I find a list of certified renovation firms in my area?

[Search an online directory of certified renovation firms.](#)

You can also contact the [National Lead Information Center](#) or 1-800-424-LEAD(5323).

What if I have a question about the RRP Rule that is not answered on this page?

Call the [National Lead Information Center](#) or 1-800-424-LEAD (5323).

Natural disasters, such as tornadoes, hurricanes, earthquakes or floods often result in the need for renovations to damaged homes and other structures. When common renovation activities like sanding, cutting and demolition occur in structures that contain lead-based paint, such activities create lead-based paint hazards, including lead-contaminated dust. Lead-based paint hazards are harmful to both adults and children, but particularly pregnant women and children under the age of six.

To protect against health risks, EPA's Lead Renovation, Repair and Painting (RRP) Rule is designed to minimize exposure to lead-based paint hazards. Under this rule, contractors performing renovation, repair and painting projects that disturb painted surfaces in homes and child-occupied facilities (including child care centers and schools), built before 1978, must, among other things, be certified and follow lead-safe work practices.

Under the emergency provision of the RRP Rule, contractors performing activities that are immediately necessary to protect personal property and public health need not be RRP trained or certified and are exempt from the following RRP Rule requirements: information distribution, posting warning signs at the renovation site, containment of dust and waste handling. Firms are NOT exempt from the RRP Rule's requirements related to cleaning, cleaning verification and recordkeeping. Further, the exemption applies only to the extent necessary to respond to the emergency. Once the portion of the renovation that addresses the source of the emergency is completed, the remaining activities are subject to all requirements of the RRP Rule.

Natural disasters can result in significant damage to a large number of buildings. Immediate renovations and repairs may be necessary to avoid safety and public health hazards and significant additional property damage. As explained in more detail below, these activities are likely to qualify for the emergency provision of EPA's RRP Rule, thereby exempting firms from certain lead-safe work practices and other requirements.

[Get complete information about the RRP Rule.](#) This page outlines critical information you should know if you are faced with emergency renovations.

Important Information for Homeowners

If you hire a contractor to perform renovation work on your pre-1978 home, you should be aware that, generally, your hired professional must be RRP-certified and observe the requirements of the RRP Rule. However, if the circumstances necessitate an emergency renovation as defined above, the professional need not comply with certain requirements of the RRP Rule as described earlier — but only to the extent necessary to respond to the emergency.

The RRP Rule does not impose requirements on a homeowner performing work on an owner-occupied residence. However, EPA encourages homeowners to hire certified professionals that have received required training on lead-safe work practices to prevent lead contamination. Homeowners that choose to perform renovation work themselves should take steps to contain the work area, minimize dust and clean up thoroughly. To learn how to perform renovation work safely, contact the National Lead Information Center, 1-800-424-LEAD (5323).

What Steps Should Homeowners Take When Doing Repairs Themselves?

To protect themselves and their families from exposure to lead dust if they do renovations in their own home, homeowners should:

- Contain the work area so that dust does not escape from the area. Cover floors and furniture that cannot be moved with heavy-duty plastic and tape, and seal off doors and heating and cooling system vents.
- Keep children, pregnant women and pets out of the work area at all times.
- Minimize dust during the project by using techniques that generate less dust, such as wet sanding or scraping, or using sanders or grinders that have High Efficiency Particulate Air (HEPA) vacuum attachments which capture the dust that is generated.
- Clean up thoroughly by using a HEPA vacuum and wet wiping to clean up dust and debris on surfaces.
- Mop floors with plenty of rinse water before removing plastic from doors, windows and vents.

Introduction

Common renovation activities such as sanding, cutting and demolition, when performed in structures that contain lead-based paint, can create lead-based paint hazards, including lead-contaminated dust. Lead-based paint hazards are harmful to adults and children. To protect against this risk and minimize exposure to lead-based paint hazards, EPA issued the RRP Rule [73 Fed. Reg. 21692 (April 22, 2008)]. Under the RRP Rule, contractors performing renovation, repair and painting projects that disturb paint surfaces in homes and child-occupied facilities, e.g., child care facilities and schools, built before 1978, must, among other things, be certified and follow lead-safe work practices.

Certain requirements of the RRP Rule do not apply to “emergency renovations” as explained more fully below. The following sections explain the emergency provision of the RRP Rule in detail and provide guidance on how it applies during the immediate response to a natural disaster.

Emergency Provision

The RRP Rule has limited applicability during emergency situations. Specifically, 40 CFR § 745.82(b) provides:

The information distribution requirements in §745.84 do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency

renovations. Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in §§745.85, 745.89, and 745.90 to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of §745.85(a)(5), which must be performed by certified renovators or individuals trained in accordance with §745.90(b)(2), the cleaning verification requirements of §745.85(b), which must be performed by certified renovators, and the recordkeeping requirements of §745.86(b)(6) and (b)(7).

Published Guidance on RRP Application

EPA has published extensive guidance on the application of the RRP Rule in a series of questions and answers. The totality of this guidance can be found at: www.epa.gov/lead. The following Frequent Questions on the RRP Rule's emergency provision may be particularly useful:

Question (23002-32367): What is an “emergency renovation” for purposes of the RRP Rule?

Answer: Emergency renovations are those performed in response to situations necessitating immediate action to address safety or public health hazards or threats of significant damage to equipment and/or property. The need for immediate action relieves firms from the pre-renovation education requirements. Likewise, emergency renovations are exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. The cleaning, cleaning verification, and recordkeeping requirements still apply.

Once the portion of the repair that addresses the source of the emergency is completed, however, the justification for the exemption from the rule is no longer operative; therefore, any additional renovation activity needed to return the renovation work area to its pre-emergency condition would be subject to the requirements of the Rule. Thus, for example, repairing a hole in a wall after a broken water pipe has been repaired would be subject to the rule, as would re-painting any water-stained walls or ceilings resulting from the pipe break.

Question (23002-15678): Does the RRP Rule apply to contractors working on homes damaged by a hurricane or other natural disaster?

Answer: Damage from a major storm or other natural disaster could result in the need for emergency renovations. Certain requirements of the RRP Rule do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

The information distribution requirements do not apply to emergency renovations. Weather-based emergency renovations are also exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. These emergency renovations are not exempt from cleaning requirements, cleaning verification requirements, or recordkeeping requirements.

Question (23002-19734): My company only does emergency renovation work. According to your guidelines emergency projects are exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency. Emergency renovations are NOT exempt from the cleaning and cleaning verification requirements. Does this mean that my firm does not need to be certified and my company doesn't need a certified renovator? Does this also mean that my employees would only have to be trained on cleaning and cleaning verification guidelines?

Answer: No. Emergency renovations (other than interim controls performed in response to a child with an elevated blood lead level) are exempt from the training, certification, sign posting, waste handling and containment requirements of the RRP Rule only to the extent necessary to respond to the emergency. For example, most property management companies that do their own maintenance are likely to have at least one trained and certified renovator on staff to perform renovations, so these companies should be able to comply with the training and certification requirements on all renovations. A firm that performs only emergency renovation work by definition can anticipate the need to perform emergency renovations and should be able to comply with the training and certification requirements of the RRP Rule.

Question (FQ number TBD): A home sustained flooding as a result of a hurricane. Once the flood water recedes, my firm must make the necessary renovations including tearing out wet drywall before mold begins to grow. How do the recordkeeping requirements apply to an emergency renovation? How should my firm fill out the recordkeeping checklist if not all of the requirements are followed?

Answer: Emergency renovations (other than interim controls performed in response to a child with an elevated blood lead level) are exempt from the training, certification, sign posting, waste handling and containment requirements of the RRP Rule only to the extent necessary to respond to the emergency. Firms must nonetheless comply with the cleaning requirements (performed by certified renovators and trained workers), cleaning verification (performed by certified renovators), and recordkeeping requirements of the RRP Rule.

The RRP Rule's recordkeeping provision recognizes that records kept for an emergency renovation may very well differ from a more typical renovation. Specifically, if the renovation firm was unable to comply with all of the requirements of the RRP Rule due to an emergency, the firm must document the nature of the emergency and the provisions of the rule that were not followed, in addition to the other rule provisions that must be documented for an emergency renovation. For example, if the firm did not post warning signs or remove or cover all objects in the work area, it should clearly state in its records that these activities were not followed due to the emergency. With regard to the recordkeeping checklist, the firm should leave unchecked each task that was not performed due to the emergency. The documentation of the nature of the emergency and the work practices that were not followed may be written as a notation on the checklist, for example, or otherwise recorded (e.g., by attaching it to the checklist).

Although the emergency provision exempts certain RRP work practices, firms should perform as many of these lead-safe work practices as possible when conducting activities that must be immediately undertaken to respond to the emergency. For example, if the firm can contain the work area and still address

the emergency, it should do so. Once the urgent safety and public health hazards and threats of significant property damage have been attended to (e.g., when the wet drywall is removed in the above scenario) the emergency provision can no longer be utilized and any additional renovation activities would be subject to all the requirements of the rule.

Thus, under the emergency provision, it is permissible for individuals to perform activities that are immediately necessary to protect personal property and public health. These actions may include the removal of surfaces that contain lead-based paint. Further, these actions need not be performed by certified or trained individuals to the extent necessary to alleviate the concerns associated with the emergency.

Guidance Specific to Natural Disasters

Significantly Damaged Structures

- As a result of a natural disaster, many structures may be destroyed or significantly damaged. For those structures that will be reoccupied, there is a need to quickly perform renovation and repair activities to eliminate safety and public health hazards. For example, some buildings may be at risk of collapse due to damaged or weakened structural components. Others contain sharp or otherwise dangerous construction debris, including lead-containing dust, which pose safety risks to occupants. Construction components and other materials, wet from flooding or rains, are prone to surface degradation, rot, and mold; these circumstances promote generally unhealthy living conditions. Continued exposure to the elements (e.g., when a roof or wall is missing) will further exacerbate these risks. For the same reasons, immediate renovation and repair activities may be necessary to restore the integrity of the structure, shelter its contents, and protect property value from any further decline.
- Therefore, renovation and repair firms may utilize the RRP emergency provision to the extent necessary to respond to urgent safety and public health hazards and threats of significant property damage like those described above. In other words, renovation and repair activities on structures significantly damaged by a natural disaster may be immediately undertaken and are exempt from the information distribution requirements in §745.84 as well as the warning sign, containment, waste handling, training, and certification requirements in §§745.85, 745.89, and 745.90 to the extent necessary to respond to the emergency. The firms must nonetheless comply with the cleaning requirements (performed by certified renovators or trained workers), cleaning verification requirements (performed by certified renovators), and certain recordkeeping requirements of the RRP Rule. Once the safety and public health hazards and threats of significant property damage have been addressed, the emergency provision can no longer be utilized.

Timeframe for Applicability of Emergency Provision

- Given the emergency circumstances and the need for immediate response, renovation and repair action should be taken as soon as practicable after the natural disaster.

Additional Guidance on Non-Emergency Renovations:

Whole-House Gut Rehabilitation Projects

- The RRP Rule does not apply to the construction of new buildings. As such, EPA has explained that, as a general matter, the RRP Rule does not apply to a project that demolishes and rebuilds a structure to a point where it is effectively new construction, including non-attached free-standing structures such as gazebos and sheds. See FQ 23002-15680. Similarly, in pre-1978 homes (single family, single level homes) where all interior and exterior painted surfaces are removed and replaced, including windows, the provisions of the RRP Rule would not apply. See FQ 23002-18426.

Projects with Partial Renovation and/or Removal of Surfaces and Materials

- Except as set forth above, the RRP Rule will generally apply to all other renovation and rehabilitation projects. This includes projects that may involve the partial removal of painted surfaces, such as a portion of a wall and/or projects that involve multi-level structures with renovation on only one level.
- In these cases, renovations in the affected areas may generally be conducted by any individual utilizing the exemptions provided by the RRP Rule. Since this type of renovation will result in numerous surfaces remaining in the structure, where lead dust and residue can accumulate, then the provisions for cleaning must be followed and performed by a certified firm using a trained renovator.

Applicability of the RRP Rule

- If a home is unoccupied when renovations occur, the RRP Rule still applies. Temporarily unoccupied or vacant homes are not exempt from the requirements of the rule. See FQ 23003-19754.
- When a homeowner performs all the paint disturbing activities of a renovation then hires a certified firm to finish the job, the firm does not need to follow the RRP rule requirements if it does not disturb a painted surface. See FQ 23002-18301.
- When the renovation, cleanup, and cleaning verification portion of a renovation project are performed following the RRP rule requirements, additional work can be performed without following the rule requirements if further disturbances of paint will not occur. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by the RRP Rule if they are conducted after post-renovation cleaning verification has been performed. See FQ 23002-18573.

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