WHAT ABOUT LEAD?

Older house paints often contained lead, as it added durability and coverage. The mere existence of lead paint on a building is not, of itself, generally considered a hazard. The potential hazard is created when the lead paint layers are disturbed, creating a fine dust that is easily broadcast.

Simply put, our bodies have zero use for lead, and can only tolerate minimal amounts without repercussions. For children, the health effects are both more severe and more likely to be permanent. This hazard is simple to state, but more difficult to address. Although heavily regulated, these issues are still largely ignored by virtually all contractors, even those working in "Architectural Digest" worthy homes.

Most older homes already contain some level of lead contamination due to friction points (e.g. the movement of doors and windows), deteriorated paint, and the previous use of leaded gas (high levels in soil still exist).

The regulatory demand placed upon all contractors is to not add to that level of contamination. Many normal construction activities, other than painting, create lead dust and debris. Demolition, welding, soldering, and window sash replacement are prime examples. In fact, many construction sites are heavily contaminated long before the painter shows up. Additionally, all contractors are required to monitor and protect any of their employees who may be exposed to lead while performing their job. This monitoring includes blood lead tests, health checks, and air sampling. (Would you care to guess how many contractors do any of this?)

Many regulatory agencies have jurisdiction over lead paint contamination, replete with myriad regulations. Agencies include: EPA, OSHA, the Bay Area Regional Air and Water Management Board, and the California

Department of Public Health. San Francisco even has its own lead paint ordinances, as do other municipalities.

There are a number of possible state and national lead certifications for contractors to obtain. Some are required of all contractors who disturb lead paint, and other certifications depend upon the exact nature of the work performed. In general, if the work is performed specifically in order to remove a lead paint hazard (whether by stripping or encapsulating), then it is considered "abatement" and the regulations and certification standards are much higher than for "ordinary" house painting.

However, this does not mean that "ordinary" house painters are relieved of their obligations to be certified and to follow "safe lead practices". Hardly. Nor are any other contractors who create a lead hazard exempted from this.

For example, effective April 22, 2010, the EPA's "Renovation, Repair, and Painting Rule" (RRP) mandates the certification of all contractors who work in pre-1978 housing and childcare facilities. Not just painters. This nationwide regulation is another attempt (one with some "teeth") to inform contractors and home owners of lead hazards and methods of mitigating "lead pollution".

Significantly more stringent than the EPA-RRP regulations are the California Department of Public Health (CDPH) "Lead in Construction Certifications", which were instituted in the mid 1990's. There are several levels of certification, from Worker to Supervisor to Risk Assessor. Each certification requires proof of experience, taking week-long classes and passing a state exam. Within the CDPH, it is the Childhood Lead Poisoning Prevention Branch (CLPPB) that administers and oversees this program. Although such

certification is not necessarily required on all projects, the exceptions can be rather confusing and it is safe to say that most jobs that disturb old lead paint should involve CDPH certified contractors. There are also some "disagreements" between the EPA-RRP and the CDPH regulations – personally, I'd go with the more stringent ones (generally the CDPH).

We at Magic Brush have been involved with lead paint issues for a very long time. In 1983, I was approached by David Harrington of the California Department of Public Health to participate in their initial blood lead studies and ongoing monitoring. This was their preliminary effort to understand the actual lead exposures that construction workers faced, and it eventually became the "California Painters Project". Beginning in 1994, my company and I participated in the CDPH Occupational Lead Poisoning Prevention Program (OLPPP) study that resulted in the scholarly paper: "Results of an Intervention to Improve Lead Safety Among Painting Contractors and Their Employees". All of this eventually became part of the CDPH lead regulations and certification process.

In 1998, I successfully completed the requirements for CDPH Lead Supervisor Certification. Additionally, I sent 10 of my employees through the Worker Certification Program. In 2010, I successfully completed the requirements for the CDPH Lead Inspector/Risk Assessor Certification, and passed the state exam. (I am now known as Inspector #3894.)

Magic Brush, Inc. has performed hundreds of jobs that involved disturbing lead containing paint. This "disturbance" has always been the inevitable result of properly preparing older deteriorated interior and exterior paint in order to create a new long-lasting (and beautiful) paint job. Generally, one

cannot be achieved without the other. The containment and control of the displaced lead paint is, for us, simply part of the job.

The effort to mitigate lead hazards is actually threefold: 1) protect clients, their children, and occupants; 2) properly protect employees as they work around lead and make sure they do not take any lead dust home with them; 3) contain the lead and protect the surrounding environment.

Ultimately, I think it should be remembered that the point of these many certifications and regulations is to protect all of us from the hazards of introducing lead into our bodies and/or contaminating the environment. This means that we (contractors who work on older homes) must incorporated "safe lead practices" into our procedures. Simply being certified does not guarantee "safe practice". Although there is increasing regulatory pressure (e.g. EPA, CDPH, the threat of fines) to promote compliance, the most effective pressure of them all will come from informed and concerned clients, including their architects and designers. That's what will really get these "safe practices" instituted.

Although there is certainly a cost involved in making these efforts, I feel it reflects an attitude regarding the importance of everyone's health and a concern for the environment. Please feel free to call me with any questions.

Thank you kindly,

Robert Dufort
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