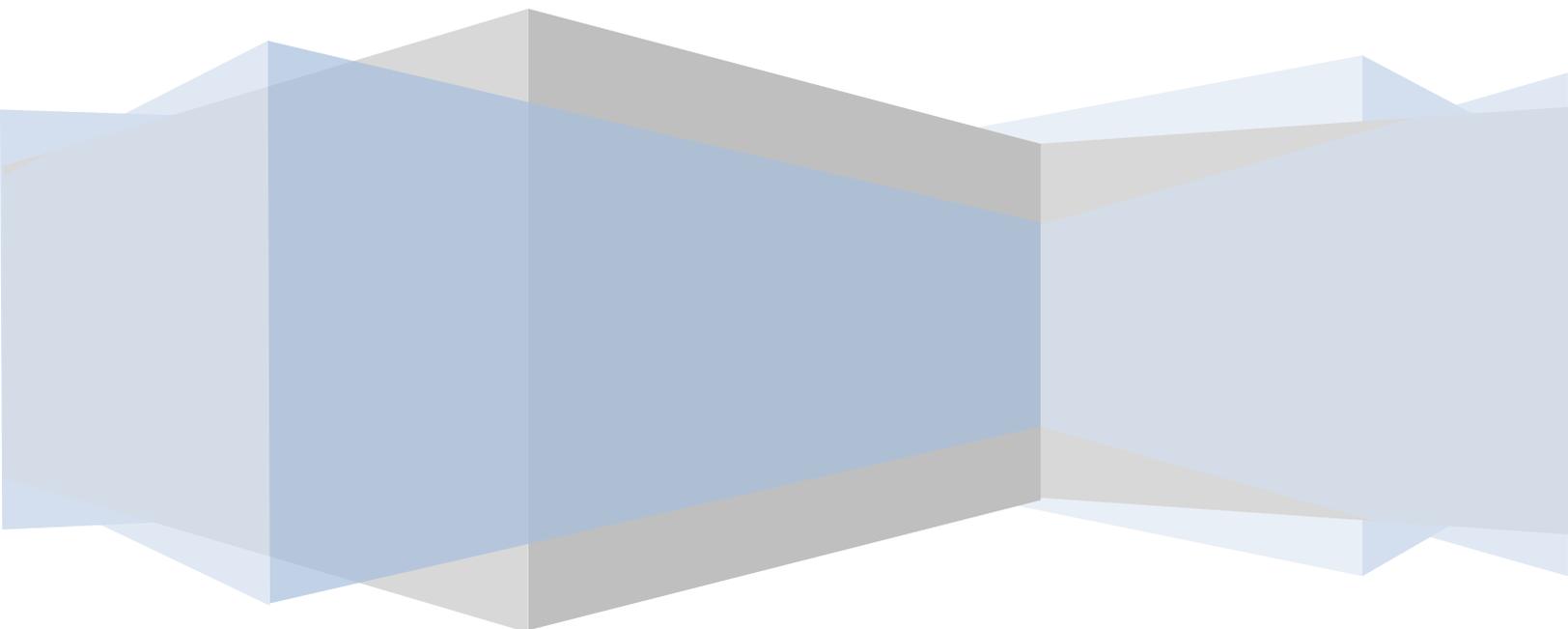


Lead Based Paint Initiatives in Monroe County, NY

Report on survey of 29 local municipalities

November 2011

**COALITION TO
PREVENT
● LEAD
POISONING**



In February 2011, the Coalition to Prevent Lead Poisoning's Housing Committee sent a **SURVEY OF LEAD BASED PAINT INITIATIVES IN MONROE COUNTY** (see pg. 7) to twenty-nine local municipalities (outside of the City of Rochester but within Monroe County, New York) regarding current implementation of programs aimed at reducing lead based paint hazards in homes.

We were curious if local regulations or codes outside of the City of Rochester enforced lead paint safety, what was the estimated percentage of residential units built before 1978, if town officials were aware of and/or enforcing the [Environmental Protection Agency's Renovation, Repair & Painting \(RRP\)](#) rule, and if we could provide any additional resources including educational materials or make presentations to staff or residents, etc.

Enacted in April 2010, the RRP rule requires that anyone paid to perform work that disturbs paint in housing and child occupied facilities built before 1978 be trained and certified by the Environmental Protection Agency. This includes resident rental property owners/managers, general contractors, maintenance personnel and trade contractors including: HVAC, painters, plumbers, carpenters, and electricians. Failure to comply may result in stiff penalties. And, a NYSDOH report stated that in 2006/07, 14% of the children lead poisoned in New York State were as a result of home renovation projects done not following lead safe work practices. ([Children with Elevated Blood Lead Levels Related to Home Renovation, Repair, and Painting Activities - New York State, 2006-2007](#))

Responding to the survey was voluntary. We informed survey recipients that the results would be published in *LeadWatch* and made available on the Coalition's web site (www.letsmakeleadhistory.org).

- Of the 29 towns and villages sent surveys, 13 (or 45%) responded (Village of Brockport, Town of Chili, Village of Churchville, Town of Clarkson, Village of Fairport, Town of Gates, Town of Hamlin, Town of Henrietta, Village of Honeoye Falls, Town of Parma, Town of Rush, Town of Sweden, and Village of Webster).

- The remaining 16 (Town of Brighton, Village of East Rochester, Town of Greece, Village of Hilton, Town of Irondequoit, Town of Mendon, Town of Ogden, Town of Penfield, Town of Perinton, Town of Pittsford, Village of Pittsford, Town of Riga, Village of Scottsville, Village of Spencerport, Town of Webster, and Town of Wheatland) did not respond to the eleven question survey.
- Two villages that did not respond to the survey (Village of Hilton, Village of East Rochester) subsequently requested lead paint poisoning prevention educational materials (brochures, DVDs) for distribution at town offices.

SAMPLE QUESTIONS AND ANSWERS

Q: Currently, do you have any lead based paint regulations set forth in your municipality, required specifically by your local regulations / ordinance?

Only two of the 13 towns reported having lead-based paint regulations required specifically by ordinance.

YES = Village of Webster ([Chapter 31 Mandatory Lead Paint Notification Act](#))
Town of Chili ([Chapter 329 Lead-Based Paint Removal](#))

Q: Is your municipality currently considering any local regulations/ordinances to reduce residential lead based paint hazards?

The 11 towns/villages that reported not having lead-based paint regulations required specifically by ordinance also noted that they are not currently considering the possibility of implementing such a regulation.

NO = Village of Brockport, Village of Churchville, Town of Clarkson, Village of Fairport, Town of Gates, Town of Hamlin, Town of Henrietta, Village of Honeoye Falls, Town of Parma, Town of Rush, and Town of Sweden.

Q: When building permits are issued in your municipality for targeted housing or child occupied facilities, do you require the name of the Certified Firm and the Certified Renovator to be listed on the permit based on the EPA-RRP Rule?

Four towns said “yes,” eight towns said “no,” one town did not answer the question.

YES = Village of Brockport, Town of Henrietta, Town of Rush, Town of Gates

NO = Village of Churchville, Town of Hamlin, Village of Fairport, Town of Hamlin, Town of Chili, Town of Parma, Town of Clarkson, Village of Honeoye Falls

*Q: What percentage of residential units in your municipality do you **estimate** as being built before 1978?*

Two towns estimated 30-50%, eight towns estimated 50-75%, and three towns estimated that over 75% of their homes were built before 1978.

30-50% = Town of Henrietta, Town of Parma

50-75% = Village of Brockport, Town of Chili, Village of Churchville, Town of Clarkson, Town of Gates, Town of Hamlin, Town of Rush, Village of Webster

>75% = Village of Fairport, Village of Honeoye Falls, Town of Sweden

CONCLUSIONS

While only 13 towns and villages out of 29 responded to the survey, the data clearly shows that the age of housing stock in our region (see chart on pg. 5) requires that lead safe work practices and observance of the EPA RRP must be observed—regardless of geography. There appears to be additional need for outreach to municipalities in Monroe County—particularly those with significant amounts of pre-1978 housing—about available resources, training, and policy approaches for preventing lead poisoning. Several towns have taken initiatives—such as requiring contractors’ RRP certification—that could be productively disseminated to other towns in the county. Additional efforts should be made to determine the extent of lead knowledge and prevention efforts in towns that did not respond to this initial survey.

HOUSING BUILT BEFORE 1980 IN MONROE COUNTY (OUTSIDE CITY)

TOWN/VILLAGES THAT RESPONDED TO SURVEY	TOTAL # OF UNITS *	TOTAL BUILT BEFORE 1980 (includes owner-occupied and renter-occupied) *	% BUILT BEFORE 1980 (includes owner-occupied and renter-occupied) *
Village of Brockport	2,411	2,201	91%
Town of Chili	10,148	7,016	69%
Village of Churchville	720	495	69%
Town of Clarkson	2,034	1,166	57%
Village of Fairport	2,365	2,072	88%
Town of Gates	11,735	9,492	81%
Town of Hamlin	3,255	2,297	70%
Town of Henrietta	12,823	9,840	77%
Village of Honeoye Falls	1,114	882	79%
Town of Parma	5,279	3,853	73%
Town of Rush	1,268	872	69%
Town of Sweden	4,581	3,706	81%
Village of Webster	2,252	2,025	90%
RANDOMLY SELECTED TOWNS THAT DID NOT RESPOND TO THE SURVEY			
Town of Brighton	15,854	13,681	86%
Town of Greece	36,995	26,855	73%
Town of Irondequoit	22,249	20,599	93%
Town of Pittsford	9,445	6,680	71%
Town of Riga	1,969	1,346	68%
Town of Spencerport	1,390	1,167	84%

(*) Based upon data from the **2000 Census** on the American Fact Finder website http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml and understanding that the age of housing stock is self-reported and may not be 100% accurate.

ADDITIONAL COMMENTS

- The majority of respondents said they referred any questions about lead hazards to the Monroe County Department of Public Health.
- Several respondents were enthusiastic about wanting to receive educational brochures and posters for distribution and wanted to be kept informed about “essential updates regarding lead and health issues!”
- At least one respondent thought changing local ordinances was “probably a good idea because we do something like that with asbestos...We probably should but it’s definitely not on the radar.”

WHAT OTHER COMMUNITIES ARE DOING

BURLINGTON, VT

- Minimum Housing Ordinance (Burlington Code of Ordinances Chapter 18)
- Educates all permit applicants about RRP
- RRP compliance documentation is required to close the permit out

MINNEAPOLIS, MN [Residential Contractors and Lead certification](#)

- Effective 8/1/11: “Residential Contractors, licensed under section 326B.805 by the State of Minnesota, will be required to have Lead Certification when performing work on residential properties constructed prior to 1978. In preparation for the new Lead Certification rules, Minneapolis Development Review will require copies of your Lead Certification for your company or individual(s) employed by your company. Please include your State of Minnesota contractor’s license number on the certificate. Minneapolis Development Review will update the building permit application form to require Lead Certification information.”

ROCHESTER, NY

- Distributes RRP pamphlet to all permit applicants
- Added the follow to the template permit conditions for all building permits: “Be advised, in accordance with EPA 40 CFR Part 745, anyone who is paid to perform work in housing units or child occupied facilities built before 1978 where painted surfaces exceeding six square feet on the interior or 20 square feet on the exterior must be RRP Certified. For more information please see EPA’s web-site at www.epa.gov/lead/pubs/renovation.htm.”

SURVEY SENT TO 29 LOCAL MUNICIPALITIES IN FEBRUARY 2011

The Coalition to Prevent Lead Poisoning is gathering information from local municipalities within Monroe County regarding current implementation of programs aimed at reducing lead based paint hazards in homes.

As you know, the City of Rochester passed a precedent setting lead based paint ordinance in 2006, which has resulted in a substantial reduction of lead poisoned children living in the City.

In addition, the Environmental Protection Agency's Renovation, Repair & Painting regulation became law on April 22, 2010. The EPA RRP rule requires that anyone paid to perform work that disturbs paint in housing and child occupied facilities built before 1978 be trained and certified by the Environmental Protection Agency. This includes resident rental property owners/ managers, general contractors, maintenance personnel and trade contractors including: HVAC, painters, plumbers, carpenters, and electricians. Failure to comply may result in stiff penalties.

The information you share will be compiled into a report, published in our newsletter, and possibly the *Democrat & Chronicle*. **PARTICIPATION IS VOLUNTARY.** If no response is received, your municipality will simply be noted as "declined to respond."

Please answer the following questions:

Please print and please send the survey back in the enclosed Self-Addressed Stamped Envelope.

- 1) What percentage of residential units in your municipality do you estimate as being built before 1978? <30% 30-50% 50-75% > 75%
- 2) Currently, do you have any lead based paint regulations set forth in your municipality, required specifically by your local regulations / ordinance? (yes) or (no)
- 3) If you answered "yes" to question # 3, please briefly describe:
- 4) Is your municipality currently considering any local regulations / ordinance to reduce residential lead based paint hazards? (yes) or (no) If yes, please briefly explain:
- 5) How does your municipality deal with lead hazards?
- 6) If someone calls with a concern about lead, what do you tell them?
- 7) How often does this happen?

- 8) Did your office receive a letter from the EPA regarding the new RRP rule? (yes) or (no)
- If so, did you respond? (yes) or (no)
Why / why not?
- 9) When building permits are issued in your municipality for targeted housing or child occupied facilities, do you require the name of the Certified Firm and the Certified Renovator to be listed on the permit based on the EPA-RRP Rule? (yes) or (no)
- 10) If not, have you considered doing this?
- a. If yes, why not doing?
 - b. If no, would you consider doing in the future?
- 11) Do you provide information to residents and/or contractors on the EPA-RRP?
- a. If so, how? (brochures with all permits? posters? town newsletter? only in response to requests?)
 - b. If no, would you consider doing this in the future?

Town / Municipality _____

Name of Person Answering Survey _____

Title _____

Phone # _____ Email _____

Enclosed please find copies of educational materials addressing lead paint poisoning prevention that we make available free of charge to all who ask. If you would like additional copies for your office(s) please let us know. We are also available to make educational presentations to your staff, clients, community members, etc. Please give us a call at (585) 224-3125 with any questions.

Thank you very much for your assistance with this public service. We really appreciate your participation in this survey!

LETTER AND FLYER FROM THE EPA REGARDING RRP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837

Lead Paint Renovation

Re: **US Environmental Protection Agency Renovation, Repair & Painting (RRP) Rule:
Effective Date April 22, 2010**

Dear Code Enforcement Official(s),

The US Environmental Protection Agency's (EPA) Renovation, Repair & Painting (RRP) Rule, as detailed in the Code of Federal Regulations 40 CFR Part 745, went into effect on April 22, 2010. The RRP Rule was created to ensure that contractors use lead-safe work practices when performing renovations in the presence of existing lead-based paint, with the goal of reducing lead poisoning hazards to the occupants. At the municipal level you may have received inquiries from people, such as those involved in the various building trades, or from homeowners/tenants, asking for more information about the RRP Rule. To better answer these questions we have enclosed an informational handout sheet ("Just Six Square Feet") which lists some of the basic requirements of the Rule. For more detailed information and resources, including the RRP exemptions and printable forms, we recommend contractors and homeowners/tenants visit EPA's main Lead webpage at www.epa.gov/lead. The webpage contains links to information about becoming a Certified Renovator, finding an Accredited Training Provider in your area, finding a Certified Firm to perform RRP work, and so on.

To increase public awareness of this important regulation, we encourage all municipalities to include a photocopy of the attached "Just Six Square Feet" handout sheet, with each license application or job permit (building, electrical, plumbing, etc.) issued by your office. The handout sheet can also be downloaded and printed from www.epa.gov/getleadsafe.

If you have further questions about the RRP Rule please feel free to contact James Crossmon at (732) 321-6671, or email: Region2_LeadCoordinator@epa.gov.

Best regards,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Acting Chief
Pesticides and Toxic Substances Branch

Enclosure

**IF YOU'RE NOT
LEAD-SAFE CERTIFIED,
DISTURBING
JUST SIX
SQUARE FEET
COULD COST YOU
BIG TIME**

GET LEAD-SAFE CERTIFIED BY APRIL 22, 2010.



If you're working on homes, schools or day care centers built pre-1978, you now must be EPA Lead-Safe Certified.

WHAT

The Lead-Based Paint Renovation, Repair and Painting (RRP) rule is a federal regulatory program affecting anyone who disturbs painted surfaces where lead may be present.

- Submit an application to certify your firm for five years.
- A one-day class will certify your renovators for five years.
- Learn the required steps to contain the work area, minimize dust and thoroughly clean up every day.

WHO

• Any contractor, including renovators, electricians, HVAC specialists, plumbers, painters and maintenance staff, who disrupts more than six square feet of lead paint in pre-1978 homes, schools, day care centers and other places where children spend time.

WHY

1. Avoid risk of government fines and civil liability:
 - Without certification and by not following approved practices, you and your company can face tens of thousands of dollars in fines and put yourself and your company at risk of potential lawsuits.
2. Protect your workers, yourself and your customers from a health risk:
 - Dust from renovation, repairs and painting can contaminate an entire home and, if inhaled or ingested, can cause irreversible damage to children and adults.
3. Gain competitive advantage:
 - Certification makes you stand out from others and positions you as a professional contractor consumers can trust. Using your company's certification in your marketing materials may help attract business.
 - Consumers will look for the certification before hiring contractors and may be more accepting of additional costs and time associated with doing the job safely.
 - Upon certification of your firm, your company will be listed as a Lead-Safe Certified Contractor on the EPA website, giving your firm the potential for new customers.

WHERE

To find an accredited trainer in your local area or get additional info, go to epa.gov/getleadsafe or call 800-424-LEAD.

WHEN

Now – Certification requirements begin April 22, 2010.