

Doug Carr

From: Doug Carr At GLHB-RA [lacey@glhba.ccsend.com] on behalf of Doug Carr At GLHB-RA [doug@glhba.org]
Sent: Thursday, July 08, 2010 8:35 AM
To: Doug Carr
Subject: Clarification on Lead RRP

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The Tool Box

A Weekly Publication for Members & Friends
 July 8, 2010



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Last CALL!

Dear Doug,

Clarification On Lead RRP Implementation

Last week we reported that the Environmental Protection Agency is delaying enforcement of the new Lead Renovation and Repair Rule that was set to go into effect last April. I received several e-mails reminding me that that enforcement was still in place for handing out the brochure. That law has been in place for two years. I thought it would be useful to add more clarification so that remodelers are clear on exactly what they are required to do.



Here's the way I understand things as they stand today. The EPA still plans to fully implement enforcement for all contractors in October of this year. For those contractors who have taken classes and received certification all lead safe practices must be followed today. For contractors who have been unable to take classes and get certified yet, enforcement of the certification is delayed until October. This means that EPA is giving uncertified contractors more time to get certified. Uncertified contractors must enroll in a class and apply to the EPA for firm certification by September 30. The class must be completed by December 31, 2010.

At the same time, lead safe work practice guidelines have been in place for the past couple of years, along with the requirement to

July 13th GLHB&RA Golf Outing!



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inform customers and hand out the brochure, when work is being done on pre-1978 homes. So, regardless of whether you are certified at this time, you are still expected to follow the safe work practice guidelines, or risk fines and penalties.

If you are a remodeler and still not certified, you can [visit this web page](#) to find a list of training sessions scheduled for the Michigan area.

Doug

CEO, GLHB&RA
Doug@glhba.org

Last Chance to Sign Up For Golf!

Great Chance to Network With Industry Associates!!

GLHB&RA's annual golf outing is an excellent opportunity to network with fellow builders, remodelers, and suppliers. The outing will be held on Tuesday July 13th. Tee Off is 9:00 AM at Hawk Hollow.

Can you sponsor a hole? Provide a Prize? GLHB&RA is putting out an all-call for foursomes and sponsors. If you know of a member who is not golfing, but should be, now is the time to make the call and make it happen!

Call or [e-mail](#) Lacey Today: 323-3254.

Don't Miss the 2010 July 13 Golf Outing!!



Know Someone Who Wants To Join GLHB&RA? Bring them to Breakfast Jul 15!!

The Membership Committee will be hosting two Prospect breakfasts on Thursday, July 15 at the GLHB&RA office. The first session starts at 7:30 a.m. and the second session will start at 9:30 a.m. This is a great opportunity to personally invite anyone you know that is wants to learn more about the Greater Lansing Home Builders & Remodelers Association. **All non-members are invited to attend. It's FREE!** These informal sessions are designed to give prospective members more details on the benefits and opportunities offered by GLHB&RA. Postcard invitations were mailed out to over 500 people and we are asking for your help with recruiting. Contact Cindy for further details at 323-3254.



*Prospect Breakfast
July 15, 7:30 AM*



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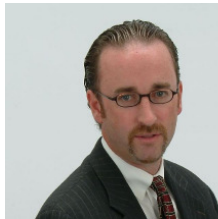
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Members

Perils of New RRP Lead Rules

The EPA's new Lead-Based Paint Renovation, Repair, and Painting Program (RRP) is a federal regulatory program that affects contractors, property managers, and others whose work may disturb painted surfaces. The applies to those conducting renovation, remodeling, or paint removal activities on residential houses, apartments, and child-occupied facilities such as schools and day care centers built before 1978.

The potential legal liabilities created by the RRP include civil lawsuits, based upon work performed by the remodeler, as well as EPA enforcement actions for violations of RRP rules. Just recently, it was reported that the EPA brought separate actions against two replacement window companies for alleged violations of RRP. The potential fines reached nearly \$1 million for each company. Only compliance with the RRP rules can provide an adequate buffer from the EPA's stepped up enforcement of the new rules.



The RRP also opens the door to possible homeowner lawsuits for claims associated with lead-based paint renovations. As just one example, if an occupant of a pre-1978 home, including a child, were to become ill from lead-based paint renovation activities, the contractor could become an easy target for overly zealous attorneys and homeowners grasping for relief. These claims could exist for at least 6 years from when the work was performed and possibly longer if the affected person is a minor. You can bet that after the contractor is identified, it will be asked to produce all of its program records to determine whether each and every rule was satisfied. The catch here is that the RRP only requires that records be retained for three years; however, claims can be made several years later. In the event the contractor is unable to produce the RRP records, it will likely be hampered in its ability to properly defend the case.

In an effort to aid its membership, the National Association of Home Builders ("NAHB") has prepared a number of [sample forms and contract clauses](#) that should be implemented to meet many of the RRP requirements. In addition to the standard RRP forms, your contract terms should adequately disclaim responsibility for lead disturbance activities conducted by the owner or third parties, including subcontractors. Contractor's should also review their insurance policies to know whether these types of claims would be covered.

The RRP consists of numerous rules and requires that contractors maintain project records to verify the rules were satisfied. Compliance with the rules is not optional. You should contact your attorney or consult the NAHB to ensure your contract documents and RRP records do not violate the rules and provide you with the greatest possible security from homeowner lawsuits and EPA enforcement actions.

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615-2736**

Michael Matheson is an attorney with Loomis Law in Lansing. He can be reached at 517-482-2400, or mfmatheson@loomislaw.com

Michigan Appliance Rebates Increase



The Michigan Appliance Rebate program still has incentives available, but dollars are limited. To date, 49% of the program funds for refrigerators, clothes washers, and dishwashers have been spent, with approximately 50,000 rebates being issued to Michigan residents. The furnaces and water heaters program has spent approximately 5%, with approximately 150 rebates being issued to Michigan residents. DOE has recently approved a rebate increase for this portion of the program. Rebate levels have increased for the following products: 1) Propane Furnaces-increase to \$500, 2) Propane Water Heaters-increase to \$300, 3) Oil Furnaces-increase to \$500, and 4) Solar Water Heaters-increase to 25%, maximum of \$2,500. Residents who already received a rebate will get an additional amount to raise them to the new levels. Go to www.mirebates.com and www.michrebate.com for more information.

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