

# PARODI ON PAPERHANGING

by Jim Parodi



## Seeing Red Over Lead

*Don't panic over the new EPA rules. They're not as bad as you might think.*

Just in case you are awakening from a coma, the news is that our whole world has changed, thanks to the “Renovation, Repair and Painting” lead safety rule, which took effect April 22. This has sparked more excitement among painters and paperhangers than the unquiet caused by a slippery foot on a 40-foot ladder at 36 feet up.

And why not? When the feds (in this case, the Environmental Protection Agency) threaten daily fines of \$37,500 for non-compliance, contractors get squeamish.

So much can be written about how the law affects painters that it is beyond the scope of this column. However, the effect on paperhangers is much more manageable and may require only minor changes on the job.

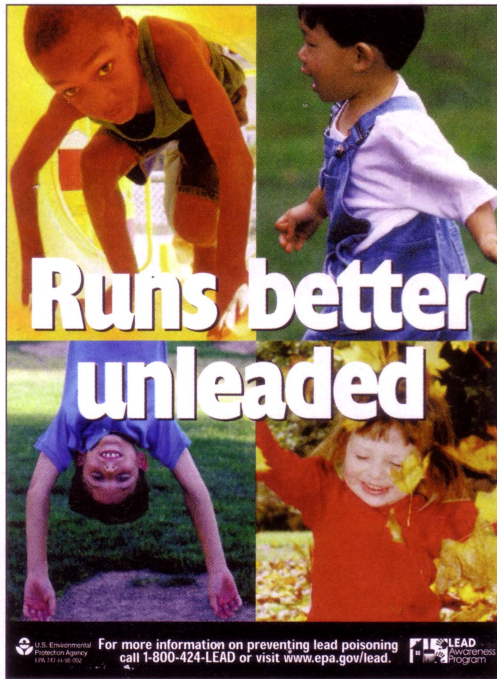
### Know your business

Start by asking yourself, “What kind of business do I have?” If yours is a painting/paperhanging firm that does a great deal of painting, you must get RRP-certified and registered if you work on houses built before 1978.

But what if you are a paperhanger who specializes in installing wall-covering, with little or no involvement in painting, plastering, sanding and patching? The purpose of the RRP rule is to protect homeowners and their children and neighbors from exposure to lead-paint dust. So, **if your professional activities do not**

**create paint dust, you are exempt from the lead law**—even if you work in a pre-'78 house every day.

Actually, many EPA publications say flat-out that you can create a little dust if you disturb less than 6 square feet of existing paint per room in a pre-'78 house. (HUD has a more stringent, 2-square-foot rule.)



EPA

The purpose of the rule is to protect kids from lead-paint dust. If your job does not disturb old paint, you are exempt.

### The fine print

Great confusion was caused by the 2008 RRP Final Rule, which said in part: “Potentially affected entities **may include** [emphasis mine], but are not limited to: Specialty trade contractors (NAICS code 238), e.g., plumbing, heating, and air-conditioning contractors, painting and

wall covering contractors.”

For some reason, paperhangers who do little more than apply wall-covering primer and wallpaper freaked out and disregarded the words “may include.” They saw only “wallcovering contractors,” as if a target was painted on their back.

What they misunderstood was that the EPA meant contractors who do *both* painting and wallcovering and who *may* create lead paint dust. So, if you only apply wallcoverings and paint, and sand less than 6 square feet per room, RRP does not apply to you.

By the way, that limit means total square footage—not necessarily a section of painted wall that’s, say, 2 by 3 feet or 1 by 6.

For example, in a question posted on EPA’s web site, a contractor who drills numerous half-inch holes in painted Sheetrock to aerate walls after floods asks if this practice would now fall under RRP. The EPA says no, unless the total area of the holes exceeds 6 square feet (or 864 square inches) per room. I still don’t know how many holes it takes to fill the Albert Hall, but my rusty math tells me that the contractor can drill 1,100 half-inch holes and stay below the RRP minimum.

### Disturbing details

Most readers’ daily work probably runs the gamut from “mostly painting” to “mostly wallpapering.” I am in the “mostly paperhanging” camp; most of the time, the only painting I do is applying wallcovering primer.

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Thus, some would say: “Aha, Parodi! You are disturbing hundreds of square feet of existing paint by applying a primer!”

Yes, folks, this rumor was actually flying around the Internet—the belief that merely touching those older walls counted as “disturbing” the paint. Not so, the EPA says in a compliance guide (<http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf>):

**Q.** *Is painting considered renovation if no surface preparation activity occurs?*

**A.** *No. If the surface to be painted is not disturbed by sanding, scraping, or other activities that may cause dust, the work is not considered renovation and EPA’s lead program requirements do not apply. However, painting projects that involve surface preparation that disturbs paint, such as sanding and scraping, would be covered.*

## Risky business

Bullet dodged? Unfortunately, no. Paperhangers who remove old wallpaper could disturb old paint and land themselves in a non-compliance situation. As I pored over EPA publications in preparation for this column, I could find nothing definitive about wallpaper removal and lead paint dust. So I contacted the EPA in Washington and got this response from EPA press officer Dale Kemery:

**Parodi:** *Can you list specific activities deemed a disturbance of painted surfaces?*

**Kemery (EPA):** *As a general matter, EPA believes that activities that create dust or paint chips are activities that disturb paint. **There is no definitive list of activities that disturb painted surfaces** [emphasis mine]. Some examples include, but*

*are not limited to:*

- *Making cut-outs in walls.*
- *Replacing a window from the inside or outside.*
- *Removing paint with a heat gun.*
- *Scraping paint.*
- *Removing kitchen cabinets.*
- *Removing paint by abrasive sanding.*
- *Removal of large structures, including demolition of interior plaster walls.*
- *HVAC repair or replacement, including duct work.*
- *Repairs resulting in isolated small surface disruptions, including drilling and sawing into wood and plaster.*
- *Scuff-sanding.*

*These and other activities that disturb paint could be relevant to many trades, such as (but not limited to) renovation, remodeling, general repair, general maintenance, plumbing, electrical work, carpentry, window installation, painting, weatherization work, and more.*

## Common sense and loopholes

Everybody got that? There is no definitive list of activities that will trigger a hefty fine, so I’m afraid you are all alone here with your common sense. If you think you may be creating dust or degrading into particles more than 6 square feet of a painted surface in the room of a pre-1978 house, you must stop the activity if you are not RRP-certified and have not set up the site for lead-safe practices.

That means that, among other things, you’d better test wallcovering removability much more thoroughly at bidding time to avoid situations like that.

The rule also has a perfectly legal, yet overlooked, escape hatch: It applies only to work for compensation.

With dry-strippable materials like fabric-backed vinyl, you can ask the customer to rip it down or to have someone else do so, since yanking off FBV requires no real skill. Just remember to remove that task from your proposal.

## Scrubbing and cleaning

**Parodi:** *Would wet scrubbing/cleaning a surface before priming with something like a plastic pot scrubber and hot soapy water be considered “disturbing” the surface?*

**Kemery (EPA):** *The paint would presumably come off onto the pot scrubber, so yes, that would be disturbing. However, if you are just using a wet sponge to wipe down the wall to make it free of dust, that would not be disturbing the surface.*

So you can’t use a scrubber pad on painted surfaces anymore? If you think so, you probably missed the “would presumably” in the answer above. In my world, paint rarely comes off on a plastic pot scrubber—and as long as we are presuming, I would presume the same is true in your world.

Remember, we are using common sense. If there is no evidence that you are disturbing—like a bucket of red water after scrubbing a red painted wall, or a yellow sponge turning red—then you are not.

## Learning the ropes

Another common question: Should paperhangers take EPA’s lead course, even if they don’t have to? Many have done so, without registering with the government, to get up to speed on the law. This is up to you, but be advised that EPA offers copious, current, free information at [www.epa.gov/lead](http://www.epa.gov/lead). Here, you can

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find all of the relevant publications and—most important—keep up with the rules. All changes are updated immediately.

You can also post and view questions at <http://toxics.custhelp.com/>. If you want to keep up with a topic, note that there is a button to “Notify Me by Email if this Answer is Updated.”

Contractors who rely only on what they learned in RRP class will be sorry, because the rule has already seen significant changes regarding enforcement and opt-outs.

### Lead and liability

It is my opinion that paperhangers who mostly do paperhanging should

know the law but turn down work that involves lead containment and certification. Once you sign on to do a lead job, you are in a whole ‘nuther world of liability. Here in New York, I asked my insurance agent about the cost of insurance for lead liabil-

### RRP may actually bring paperhangers a windfall.

ity. The answer: Increases would start at \$2,500 annually and go up from there.

Furthermore, even though RRP-certified contractors must keep records for lead jobs for three years, it is unclear how long a contractor can be held liable in a civil suit for

damages resulting from lead. Rather than become mired in this grotesque world of million-dollar lawsuits, \$37,500 daily fines, space suits and Biodome-like containment, my take is that paperhangers should develop relationships with local RRP-certified painters. You can propose to send them work if they will reciprocate with a wallpapering recommendation after the verified cleanup.

### The good news

It pains me to point out that the new law may actually yield a small windfall for paperhangers, by making wallpaper jobs so much easier for consumers than painting. Most

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likely, homeowners will gradually become aware of the law as they experience the sticker shock of having their pre-'78 house painted.

I'll bet that many homeowners will choose to have their interiors painted illegally when they see the compliant painter's bid, which must cover containment (labor and material), insurance, record keeping, potential legal bills, new equipment and its upkeep, and a slush fund in case of a hefty government fine, thanks to a careless employee.

But owners who want their homes spruced up legally may also turn to a pain-free alternative like wallcovering. A further incentive is the current "don't ask, don't tell" rule about

lead in their home; this gets homeowners off the hook for disclosure if they sell the house.

Now, a seller can simply say "I don't know" when asked if the house contains lead. If and when testing determines that lead is present, the seller must disclose that at the time of sale. Here is a fun fact on the subject from the Real Estate Notification and Disclosure Rule, which became effective March 1996: "...[A]nyone who leased or purchased a home covered by the Disclosure Rule can bring a civil action against the seller, landlord or agent for failing to disclose the required information for treble damages."

Personally, I am taking this issue

head on, with handout literature explaining that wall priming and wall-covering application are exempt from the law. I will also point out that the EPA's own *Renovate Right* pamphlet (<http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>) recommends:

*You may even want to move out of your home temporarily while all or part of the work is being done.*

Wallpaper could well turn out to be a cheaper and safer alternative to painting in pre-'78 homes. And it's certainly more convenient than staying in a hotel or with the in-laws for the duration of a paint job.

Contact the ever-compliant Jim Parodi at [jim.parodi@hvc.rr.net](mailto:jim.parodi@hvc.rr.net).

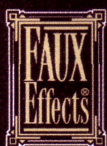
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