



Do you have questions about the new Lead Paint Law?

(Renovation, Repair & Paint Law)

Rick Reibstein will answer all your questions!

August 5, 2010

Dean Auditorium Maine General Medical Center, Thayer Unit

3:30pm – 5:00pm

Rick Reibstein, founder and co-director of the Regulated Community Compliance Project (RCCP) at the Center for Energy and Environmental Studies, Boston University, will explain both rules and the reasons for them. **That full compliance with the rules provides substantial liability protection for the real estate professional is a significant aspect of lead law that is commonly overlooked.** Reibstein will explain this in detail, and other reasons why the rules deserve attention and respect.

Reibstein is a former U.S. Environmental Protection Agency enforcement attorney who worked on lead paint cases from 2001-2003. Since leaving the agency in 2004 he has provided outreach and assistance to real estate professionals on compliance with lead rules through the RCCP. He also teaches environmental law and policy at BU and Suffolk University, and provides compliance and pollution prevention assistance to businesses for the state of Massachusetts.

A new federal rule¹ contains provisions that have recently taken effect, requiring lead-safe work practices in pre-1978 housing and child-occupied facilities. With limited exceptions, when paint is disturbed, efforts must be undertaken to prevent the creation and spread of dusts - the dust, even when invisible, will be toxic if it contains lead.

The new rule changes the thrust of lead law to date, from disclosure and response after poisoning has occurred, *to prevention*. The new lead rule also *presumes that lead is present* in housing and child-occupied facilities built before 1978 (that is, before lead was banned in residential paints).

Anyone performing work for compensation that disturbs over threshold amounts of paint is covered by the rule. The firm doing such work will have to have certifications of training. Anyone hiring someone to do work that disturbs lead paint should also understand that the new rule affects potential liabilities for lead poisoning or contamination, as it sets a new standard that it is necessary to prevent the dispersal of lead dusts.

¹ 40 CFR Part 745[1], Subpart E, titled “Residential Property Renovation”, and known as the “Renovation, Repair and Painting” rule.

