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Planning to Repaint? Read This First

By **MARC SANTORA**

HOMEOWNERS and contractors considering renovation projects are grappling with the impact of a new [Environmental Protection Agency](#) regulation designed to shield children from exposure to lead paint.

Since April 22, all professional renovation projects in apartments and homes built before 1978 — the year the use of lead in paint was banned — that test positive for lead have had to meet federal guidelines and be performed by workers certified in lead-safe practices. Many older apartments in New York, remodeled more than once over the years, have long since been divested of their lead paint. But in a number of cases, contractors said, complying with the new rules could more than double the cost of renovations.

[New York City](#) already has some of the country's strictest [lead-paint laws](#), but the [new regulation](#) is being met with concern among contractors and building managers. The main difference for homeowners in New York is that [guidelines](#) regulating work in common spaces will be extended to individual apartments. Any area greater than six square feet that tests positive for lead paint is included.

The possibility of higher renovation costs could be a factor in the decision to buy an older apartment, brokers said. Already, co-op boards have reported tensions with new residents who bought apartments before the rule went into effect and were surprised at the added costs that would now come with any remodeling.

"Potentially, this could have very big consequences," said Nicholas Ricci, the owner of Professional Services Inc., a construction and remodeling company in New York. "Everyone is still trying to figure out what it is exactly that the law requires."

Although the E.P.A. says more than 25,000 professional contractors and other workers in New York have received the required certification, many condominiums and co-ops rely on handymen and superintendents to do work like painting and plaster repair inside apartments — especially when the jobs are small.

For bigger projects, said Stuart M. Saft, the chairman of the Council of New York Cooperatives and Condominiums, “in the past the supers and the building staff have been very careful not to get involved in lead paint removal. When they realized there is a lead-paint situation, they called in outside experts.”

But as the new regulation governs areas as small as six square feet, a super contemplating a minor repair job in a building would now need to be trained to work safely in the presence of lead.

Even for the simplest job there will be a higher price tag, according to contractors. For instance, because of the precautions, the repainting of a room that would have cost \$500 could now cost more than \$1,000.

To start with, furniture and equipment has to be wrapped in plastic at least 6 mils thick (a typical kitchen trash bag is around 1 mil). Similarly, floors, doorways and windows have to be lined with plastic and workers must wear protective gear.

There are also special vacuums needed for cleanup, costing as much as \$850. Training and certification classes cost roughly \$180 to \$250 per student, and a business would have to pay an additional \$300 to register as certified.

Todd Recknagel, the chief executive of Mr. Handyman, a national home service and repair company, said most consumers were unaware of the new regulation and the added cost.

“I would safely say most people are surprised by it,” he said. “We are educating the consumer on it out in the field.”

On national industry Web sites, which provide the cover of anonymity, the tone of contractors has been apocalyptic.

“All contractors should just continue as usual,” posted a man named Frank on a message board on the [Home Construction and Improvement](#) Web site. “If everybody refuses to do this what are they going to do, put us all in jail?”

Many people expressed concern that, with the real estate market still fragile, the regulation would both stifle construction spending and hurt the value of older homes. There were similar concerns expressed in New York City after a local law went into effect in 2004 — but the new E.P.A. regulations are more sweeping.

The **battle** over the new regulation has been long and contentious. It was in 1992 that Congress passed legislation directing the E.P.A. to write the regulation. But, because of fierce opposition from the construction industry, it was not completed until 2008, under pressure from environmental and public health advocates. And it did not take effect until this spring.

“Almost a million children have elevated blood-lead levels as a result of exposure to lead hazards,” said Steve Owens, the assistant administrator of Office of Chemical Safety and Pollution Prevention at the E.P.A., “and one key source of exposure is improperly performed renovation, repair and painting work.

“Young children are most at risk of harmful health effects, including lower intelligence, learning disabilities and behavior issues,” he added. “Using lead-safe work practices during renovations is a safe, reliable and effective way to minimize lead-paint dust exposure to children and other residents.”

While one might assume that older cities like New York, which has millions of apartments built before 1978, would be the most widely affected, Daniel Kozlov, the project manager for New York Modern Interiors, which specializes in renovations, says that over the years many apartments have already been renovated and are likely to be free of lead.

If lead is present, people can choose to do the work themselves and avoid any E.P.A. regulations, since the law applies only to professionals.

Mr. Kozlov, who is certified in lead-safe practices, said he expected some contractors to try and skirt the rules and undercut competitors. “But in the near future,” he said, “I am sure you will hear about someone not using safe practices and being fined, and that will get people in line.”

The fines for noncompliance are up to \$37,500 per violation — for example, not taking proper precautions to contain and clean up dust.

Enforcement will largely be up to contractors and residents, who could report suspected violations to the E.P.A. or the city.

Contractors and handymen are required to keep detailed records of the work they do when lead is present, including photos, which could be reviewed by inspectors if a complaint was made.

Given the hurdles that already exist to undertaking construction in the city, it is unclear what the effect of the regulation will be on professionals and homeowners.

“It is really too early to say something definitively,” said Clifford D. Siegel, a contractor and treasurer of the Building Industry Association of New York City. He said the association was urging its members to get the added training and comply with the new regulation.

“In the scheme of doing business in New York City,” Mr. Siegel said, “this is just one of many things you have to deal with.”