

LEAD CERTIFICATION REQUIREMENTS

US EPA Lead Certification Federal Law Renovations (Prior to 1978): The Federal law applies to all contractors. Federal Environmental Protection Agency law has put in place contractor lead abatement regulations that require contractors doing work on pre-1978 child occupied residential buildings to test for and/or abate lead in the areas of those buildings on which they are working. The Federal Law intends that a permit should not be issued for work on pre-1978 residential structures unless the licensed residential contractor requesting the permit has the required lead certification or one of the exceptions in 745.82 can be met. Cities are not responsible to collect and verify lead certification data for projects that do not require State Licensing; however contractors are still required to follow Federal Law on these renovations. (See Examples Below).

Example: A commercial contractor doing work on a large multi-family Residential building would not be required to have their certification checked under Minnesota Law because they are not licensed, but they would still need to comply with the Federal standard.

Example: A ‘handy-man’ with a state exemption certificate under the residential contractor licensing law or specialty contractors who perform only one special skill (for example concrete and masonry, excavation, carpentry or interior finishing) requesting a permit to do work on a single family house is not required to have their lead Certification checked under Minnesota law because they are exempt from state licensing, but would still need to Comply with the Federal standards.

Example: Even though roofing contractors are a part of the residential licensing group in Minnesota law, unpainted roofing that does not disturb paint is outside the scope of the CFR (Code of Federal Regulations), they would not be required to provide a lead certification unless the scope of work includes doing more to the fascia than putting a drip edge over it.

US EPA Lead Certification State Minnesota law Renovations (Prior to 1978): When issuing permits in compliance with the State Building Code to a residential building contractor, residential remodeler, manufactured home installer, or residential roofer licensed under section 326B.805, municipalities must verify lead certification qualifications of the licensee required under subdivision 14 for renovations performed on residential property constructed prior to 1978.

Per MS326B.106 Subd. 14 The Minnesota licensed Residential Contractor “...may be certified in accordance with CFR title 40 section 745.89...” This CFR section is for ‘Firm Certification’. An individual within the firm must also be certified, but the verification called for is the ‘Firm Certification’. In other words nothing would prohibit a construction firm with the proper lead

certification from doing the portion of the work dealing with the lead contamination and another contractor from doing the remaining work under separate permits, much as asbestos is handled.

The Minnesota Department of Labor and Industry believes that this law intends that a permit should not be issued for work on pre-1978 residential structures unless the licensed residential contractor requesting the permit has the required lead certification or one of the exceptions in 745.82 can be met. The Minnesota Legislature passed a law, effective February 1, 2011, intended to work in conjunction with this Federal law. This Minnesota law is contained in Minnesota Statute (MS) 326B.106 subd. 13 & 14.

Links:

Lead Certification References and Excerpts from State Statutes and Federal Regulations.
Minnesota Statutes, section 326B.106 - General Powers of Commissioner of Labor and Industry
Subd. 13 Lead Certification.

<http://www.dli.mn.gov/CCLD/PDF/lead2.pdf>

Federal Environmental Protection Agency (EPA) Renovation, Repair, lead in paint, dust and soil.

<http://www.epa.gov/lead/pubs/renovation.htm>

Minnesota Dept. of Labor and Industry Information about the EPA's Lead Paint Rule

<http://www.dli.mn.gov/CCLD/PDF/lead.pdf>

Locate an Accredited Renovation Training Program

http://cfpub.epa.gov/flpp/searchrrp_training.htm

Locate Certified Renovation and Lead Dust Sampling Technician Firms.

Contractors who receive their certification now have to post their name to the verified list which is available on DLI's website.

http://cfpub.epa.gov/flpp/searchrrp_firm.htm

CFR (Code of Federal Regulations) Search for the Federal Regulation

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

Lead Certification Exemption Supplement to Permit Application

Building Permit Number: _____

The applicant is exempt from providing a United States EPA Lead Certification for firms per Minnesota Statute 326B.106 Subd.13, as checked below for the property located at:

Property Address: _____

Below: Check any and all that applies in regards to the above property.

- 1. The applicant is not a Minnesota Licensed Residential Contractor or a Residential Remodeler.
- 2. A Residential Roofing Contractor is exempt if the work will not involve a painted roof and will not disturb paint inside the scope of the Code of Federal Regulations. The scope of work will not include soffit work or doing more to the fascia other than putting a drip edge over it.
- 3. The building was constructed in 1978 or thereafter.
- 4. The renovation will not disrupt 6 square feet or more of painted surface per room for interior activities, or 20 square feet or more of painted surface for exterior activities, and does not involve window replacement or demolition of painted surfaces.
- 5. A written determination has been made by a Lead Certified Inspector or Risk Assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead below the Federal Regulated Standard.
- 6. Other (Specify reason and applicable code section)

Applicant – Signature: _____ **Date:** _____

Applicant – Printed Name: _____