



2880 International Circle Colorado Springs, CO 80910

Building A Better Community  
Thru Education and Enforcement



## “CAN WE TALK?”

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## ‘GET THE LEAD OUT’

**QUESTION:** I called a contractor to give me a bid to put a small addition on my house. I live on the west side of town. The contractor said that he would not bid the job since my house was built prior to 1978. What does that have to do with anything?

**ANSWER:** There’s no short answer to this question so have a seat and pour yourself a beverage of your choice. You may find, though, that if you only poured a glass of water or coffee, you might want something stronger by the time you finish reading this.

In April of this year the EPA enacted new laws regarding lead based paint. In 1978 lead was banned as an additive to paint and many other products. You can access the new law at [www.epa.gov/getleadsafe](http://www.epa.gov/getleadsafe). The EPA regulations now mandate that any contractor or maintenance staff, from plumbers to electricians to painters, who disturbs more than six square feet of lead paint in the interior or 20 square feet of the exterior of a building, replaces windows or does any demolition while working in a pre-1978 home, school or day-care center, must now be Lead-Safe Certified and trained in Lead-Safe work practices. If you are caught doing work and avoiding these new regulations you could face tens of thousands of dollars in fines (we’ve heard of fines as high as \$34,000). These regulations are now the “standard of care” for the industry and complying with them will reduce your chance of being involved in potentially expensive lawsuits.

Lately, we have been hearing that some contractors are just staying clear of doing ANY work in pre-1978 buildings to protect themselves and their company from these new

regulations. I'm not sure of the exact numbers but I would say there are many more pre '78' buildings in this country than there are post '78' buildings.

Please wait a minute before you start planning your revenge against us. You need to be aware that PPRBD is NOT the enforcement arm of this new law. However, as a service to the public, PPRBD does have a State Licensed and Certified Lead –Based Paint Risk Assessor on staff to help you get straight answers. His name is Brett Phillips and his direct line is (719) 327-2884. RBD has purchased a state of the art X-Ray gun so we can provide the most accurate test results possible. For a small fee you can schedule to have your building tested. Any pre '78' building will have to be tested if the area of the building you are going to have work performed will involve disturbing 6 square feet on the interior or 20 square feet of the exterior of the building. Further, be advised that the testing of the surfaces that will be disturbed will have to be performed by a Licensed and Certified testing agency. If the area tested shows no lead the work can proceed in the normal way. However, if the area tests positive for lead the regulations as set forth by the EPA will have to be followed.

**However**, if the work is being done by the homeowner the new law does not apply. So I guess if you are willing to assume the risk to yourself and your family, you get a pass on the testing. Be warned, however, that you could possibly give yourself, your kids or your animals lead poisoning if you don't have proper testing done and, if applicable, proper remediation is not performed. This leniency is not extended to the professionals who are just trying to make a living in the construction industry. The new law applies to all of them. Odd, but there you go.

On a personal note, my wife and I purchased our home 34 years ago. Our house was built in 1889. That's not a typo, it was built in 1889. At the time we had a 2 year old son under foot. I did the heavy lifting of tearing out all of the plaster and lath, wiring, plumbing and asbestos covered steam heating system. My wife performed the painstaking work of stripping off the many coats of lead based paint off the ornate woodwork we decided to save. As is the case with many homeowner remodel jobs it took us longer to complete the job than we anticipated. Several years longer in fact. During that time we were blessed with three more children. And, yes, we still live in the same house but most of the lead paint was either removed or encapsulated years ago. We raised our four children in our home and we now are blessed with eight healthy and normal grandchildren who spend a lot of time in our old house. After 34 years my wife, the paint scraper supreme, shows no ill effects from her work with the lead based paint. Hmmm, with luck like that I guess maybe I should go buy a lottery ticket.

All of the previous 'CAN WE TALK' columns can be viewed on our website [www.pprbd.org](http://www.pprbd.org) under the PPRBD drop down box.

Submit your questions to: [terryb@pprbd.org](mailto:terryb@pprbd.org) or mail to: Pikes Peak Regional Building Department

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