

DOOR DEALERS

SQUARE OFF WITH EPA

Two EPA Officials Speak at CSDDA Meeting

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Maria Morey, EPA Region 7.



Tom Brick, EPA Region 7 inspector.

On Nov. 8 in St. Louis, about 30 door dealers finally got a chance to look an EPA representative in the eye and tell them what dealers really think about the new lead paint requirements.

The event was a meeting of the St. Louis chapter of the Central States Door Dealer Association (CSDDA), held at the Corner Pub & Grill in Chesterfield, Mo. Tom Brick, a subcontracted inspector for Region 7 of the Environmental Protection Agency (EPA), spoke for about 25 minutes and was then assisted by Maria Morey, an EPA enforcement officer, for a rousing question and answer period that wore on for two hours.

Read This First

Before we cite the statements of these EPA representatives, we need to emphasize that they are from EPA Region 7, based in Kansas City, which covers Kansas, Nebraska, Missouri, and Iowa. Even though Brick and Morey make decisions concerning contractor compliance with lead-based paint regulations, we've learned that different EPA officials from different regions (there are 10 regions) may give differing answers to the same question.

Thus, while their answers may be authoritative for a specific situation in their region, their statements do not have absolute authority throughout the nation. The reader should consider their statements as the views of these two EPA representatives and not necessarily the views of EPA nationwide.

The Install-Only Option

Of all issues discussed at this meeting, the following question probably attracted the most attention and discussion. Here is the scenario that different dealers presented:

1. A door dealer conducts a lead test on a garage door, and the test is positive.
2. The dealer informs the homeowner of the results, and the homeowner elects to remove the garage door by himself or, in a separate transaction, hires another firm to take out and dispose of the lead-painted door.
3. The homeowner then goes back to the same door dealer and hires him to install a new door in the (vacant) opening.
4. Question: Must that door dealer follow lead-safe practices for the installation of that new door?

Maria Morey thought that the answer was clear. "You are not disturbing any painted surface, so it's not a regulated activity," she said.

You can freely download, print, and distribute these flyers to your customers. Go to <http://epa.gov/lead/pubs/lscp-consumers.htm>.

The situation became more confusing when the dealer asked about his “liability” in such situations. “As far as your liability,” replied Morey, “I think there’s liability in just about everything that you do. But as far as RRP (the Renovation, Repair, and Painting Rule) is concerned, if you’ve not disturbed the painted surface, you wouldn’t be responsible for following lead-safe practices.”

Robert Noah, a regional sales and operations manager with Clopay, said that he posed that same scenario to the EPA Lead Hotline (800-424-LEAD) and received a different answer. “Your EPA Hotline says I am responsible (for following lead-safe practices), but you say I am not.”

But Morey stuck to her answer: “Because you are not disturbing a painted surface (the homeowner is doing it), you are not required to follow lead paint work practices.”

Remove Whole Door = Disturb Whole Door?

One key question swirling throughout the garage door world is this: “When I remove a garage door, should I consider that the entire square footage of the garage door surface is being ‘disturbed’ or just the smaller areas around the fasteners and hinges?” RRP regulations state that if more than 20 sq. ft. of exterior painted surface is disturbed, then lead-safe practices must be used.

Tom Brick thought the matter was clear. “If you remove the entire door,” he said, “then the 20 sq. ft. is based on how big the door is.”

He encouraged dealers to use the EPA website and its question and answer section (toxics.supportportal.com) as a resource. (Note: For an example of how posted EPA answers may be confusing, see “A Point of Confusion” at right.)

Is a Wrapped Door Hazardous Waste?

Another attendee at the meeting reported that some local dumps are no longer taking anything with lead paint, such as wrapped garage door sections, declaring such to be hazardous waste.

“Well, according to the EPA and the Resource Conservation and Recovery Act, household waste that includes lead-based paint debris is not classified as hazardous,” replied Tom Brick. “That said, local and state regulations trump that. So [door dealers] need to find out



A Point of Confusion Are We Disturbing the Whole Door?

At the EPA website, the EPA has posted a specific question and answer about garage door removal. The official EPA answer says, “The RRP Rule provides that when removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed ... If you disturb a painted surface on a single panel while removing and replacing the entire garage door (i.e., all the panels), you must aggregate the surface area of all the panels.”

While that response may seem clear, another question and answer on the EPA website could be interpreted differently. The posted question is, “My firm replaces garage doors. We unbolt the door from its hardware and remove it without penetrating, scraping, or removing paint. Is this work subject to the RRP Rule?”

The EPA’s official answer is, “If unbolting and removing the door does not disturb a painted surface in the hinges, door, or frame, the RRP Rule does not apply.”

You can find these two responses by doing an advanced search at toxics.supportportal.com. Search for ID numbers #23002-31779 and #23002-19760.

what they need to do from the local authorities.”

The question demonstrated another layer of confusion and difficulty that garage door dealers are facing.

Are RRP Inspections Rare?

With the awareness of possible fines of \$37,500 per day per incident and with the publicity given to inspections and fines assessed, dealers may think that EPA investigators are hovering close by. At the meeting, it became clear that the EPA has very few inspectors, and they are conducting relatively few inspections.

Tom Brick admitted that he has conducted maybe 20 inspections in the last year, which is less than two per month. Region 7 has a total of four people conducting inspections for the 8 million people in Missouri and Nebraska. (Kansas and Iowa, also in Region 7, conduct and enforce their own state RRP programs.)

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In answer to a question posed after the meeting, Brick disclosed that he and the other three inspectors are not doing inspections full time, but have other responsibilities. Brick said that RRP inspections take up less than half of his time.

When you consider the wide range of renovation firms subject to inspection (e.g., painters, remodelers, builders, carpenters, HVAC workers, electricians, plumbers, entry door and window companies, etc.), the likelihood of your garage door company being inspected is extremely low. Yet, this fact should not deter any door dealer from following the law.

Most inspector activity is focused on paperwork that resides in the contractor's office. Brick said that he has gone to a jobsite for an inspection but that site visitation is rare. He also admitted that he has never called a customer to verify any information.

How Inspections Are Selected

Brick revealed how companies are selected for an inspection. "We conduct inspections based on three basic criteria. One is referrals from health departments (when they get reports of elevated lead levels from blood tests) ... second is a complaint received from a homeowner or contractor ... and third [is] random," he said.

We asked Morey if the EPA is receiving many complaints in Region 7. "Yes," she said. "We get complaints from contractors who want to ensure a level playing field, and I've talked to many of you here, and I know that's what you want."

How to Report a Violation

Both Morey and Brick encouraged door dealers to report violations in their areas. "The person calling in can remain anonymous," said Brick. "You don't have to give your name. But we do need to know who is doing the work, where it's going on, and what kind of work it is."

"When you call," added Morey, "we have a responsibility to do an investigation on that. When you call, know that (an investigation) is going to happen." (Note: If Region 7 receives a report of a violation from Iowa or Kansas, the EPA told us that it "would typically refer it to the state RRP program.")

Brick said the EPA's response time will vary depending on the amount of information provided, how soon it's verified, and how quickly an inspector is available to check it out. (See the chart at right for contact information for all EPA regions.)

Is EPA Informing the Public?

Morey noted that homeowners are now calling the EPA "because we're seeing a lot of consumer awareness now."

That statement prompted industry veteran Ted Billman to ask why the EPA has not done more to inform the public. He noted that many homeowners are surprised to learn that a new garage door will cost them another \$300 (for lead-safe work), and the garage door company ends up looking like the bad guy.

Morey said the EPA doesn't have "unlimited funds to run big ad campaigns," but now has a one-page print ad (see ads on page 41) and has been running radio public service announcements that tell consumers why it's important to hire a certified renovator.

Billman responded, "I've never seen one ad that talks about lead poisoning."

Brick recommended that contractors use the EPA's promotional materials to distribute to customers. The materials are freely available at the EPA website at <http://epa.gov/lead/pubs/lscp-consumers.htm>.

In Summary?

It's hard to summarize a meeting with such diverse content. It's certainly true that some dealers left with some degree of disgruntlement or confusion. Others left with encouragement to follow RRP procedures as best as they can and make sure they keep good paperwork.

It's probably safe to conclude that most dealers left with the realization that EPA officials are just people who are trying to do their jobs. Maria Morey and Tom Brick didn't make the rules, but like all door dealers, they're just doing their best to follow the rules.

After the meeting, Randy Schmitt of All Purpose Door Company in St. Louis talked to a few door dealers to get their reactions to the meeting. "Most of them said that RRP is here, and we just gotta do it. So get over it. Get with the program, or don't do lead paint work." ■

Want to Report a Violation? Here's Where to Call

EPA REGION 1

States: CT, MA*, ME, NH, RI*, VT
HQ: Boston, MA
Contact: James Bryson
bryson.jamesm@epa.gov
617-918-1524

EPA REGION 6

States: AR, LA, OK, NM, TX
HQ: Dallas, TX
Contact: Estella Sugawara-Adams
Sugawara-adams.estella@epa.gov
214-665-2704

EPA REGION 2

States: NJ, NY, PR, VI
HQ: Edison, NJ
Contact: Laura Livingston
Region2_LeadCoordinator@epa.gov
732-321-6671

EPA REGION 7

States: IA*, KS*, MO, NE
HQ: Kansas City, KS
Enforcement Officer: Maria Morey
Morey.maria@epa.gov
800-223-0425

EPA REGION 3

States: DC, DE, MD, PA, VA, WV
HQ: Philadelphia, PA
Contact: Demian Ellis
ellis.demian@epa.gov
215-814-2088

EPA REGION 8

States: CO, MT, ND, SD, UT*, WY
HQ: Denver, CO
Enforcement Officer: Dan Webster
Webster.Daniel@epa.gov
303-312-7076

EPA REGION 4

States: AL*, FL, GA*, KY, MS*, NC*, SC, TN
HQ: Atlanta, GA
Enforcement Officer: Kevin Woodruff
Woodruff.KevinL@epa.gov
404-562-8828

EPA REGION 9

States: AZ, CA, HI, NV, Guam, Samoa
HQ: San Francisco, CA
Contact: Nancy Oien
oien.nancy@epa.gov
415-947-4280

EPA REGION 5

States: IL, IN, MI, MN, OH, WI*
HQ: Chicago, IL
Enforcement Officer: Julie Morris
morris.julie@epa.gov
312-886-0863

EPA REGION 10

States: AK, ID, OR*, WA*
HQ: Seattle, WA
Enforcement Officer: Barbara Ross
ross.barbara@epa.gov
206-553-1985

*These states have their own RRP programs. This region may forward your report to the appropriate state agency or give you the appropriate contact data.