



Dealer Perspective

By Jim Lett, Window & Door Dealers Alliance

Waiting for the Other Shoe to Drop

As if 2010 wasn't challenging enough dealing with a stagnant economy, window and door dealers and remodeling contractors also had to comply with new government-mandated lead-based paint regulations. Many of us took classes, learned the proper techniques for working around lead-based paint, cleaning procedures and disposing of the debris.

On some jobs it wasn't too bad. Others were more difficult and significant costs were added. I personally have lost work to competitors who willfully ignore the law. There are still many contractors who are totally unaware of the EPA's new Renovation, Repair and Painting regulations and the consequences for failure to follow the law.

To make matters worse, beginning this July, the EPA is considering adding even more burdens and costs to the remodeling industry by mandating dust wipe testing. Samples would be sent to a lab to be tested for lead and the results sent to the homeowner within three days. The motives for this are twofold. First, to give homeowners the assurance that their premises are properly cleaned. And second, because the government doesn't think we can be trusted to clean properly without their oversight.

Personally, I wouldn't mind the regulation if it can be proven that it is necessary. But I don't believe that is the case. I think this is simply another example of Big Government wielding its power and not caring one iota who gets hurt. Hear me out on this. If they really cared about the effect on our industry, they would have launched an effective public relations campaign to inform and educate all remodeling contractors. That has not been the case. Instead, various trade

associations and trade publications stepped into the breach and did the hard work of notifying our fellow tradespeople. The EPA would also be auditing firms to confirm compliance.

The EPA should be benchmarking how many pre-1978 homes were contaminated with lead by tradespeople in 2008, 2009, 2010, 2011, etc. Within a few years, we should see a significant decrease in the number

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of children contaminated. If not, then the rule should be rescinded. Otherwise, homeowners are being subjected to additional costs with little or no benefit. If the contamination numbers show an appreciable drop, then the legislation was worth the cost. The only way to confirm this is through establishing goals and benchmarking results.

This same logic should apply to dust wipe testing. When EPA originally considered requiring dust wipe testing, it was before the RRP rules were in place. Shouldn't we know what percentage of homes currently fail the wipe clearance test now that RRP is the law? Wouldn't that be a better determinant of whether the level of risk is worth the cost of mandating third-party verification? Again, benchmarking would presumably settle the questions about whether the regulations are necessary in the first place; and, if so, if they are worth the cost of compliance.

Aside from the cost factors mentioned above, wipe testing opens up another can of worms. Just because you are working in a home that contains lead paint residue, it does not mean it is from you. It could have been caused by a previous construction project performed by another contractor, or by the homeowners themselves. Talk about creating a trial lawyer feeding frenzy.

We currently don't know how EPA will rule on this. Hopefully some common sense will prevail. Only time will tell. EPA is expected to make a final decision on clearance testing requirements in July. Until then, the Window & Door Dealers Alliance, along with many other building industry organizations, will be appealing to the Office of Information and Regulatory Affairs and Congressional leaders to reverse EPA's course of action. I urge you to add your voice to our call for accountability and common sense in Washington. ☐

Jim Lett is president and CEO of ABE Doors & Windows based in Allentown, Pa. He is a member of the Window & Door Dealers Alliance Advisory Committee. His article, kicks off a new regular column in Window & Door, contributed by WDDA members. Entitled Dealer Perspectives, the column will focus on issues and trends impacting dealers and distributors of windows, doors, skylights and other fenestration products.