

**McFar Contractors Inc.**

**RRP RULE COMPLIANCE PLAN**

**I. Introductory Statement.**

This Compliance Plan (“the Plan”) is being implemented in order to promote compliance by McFar Contractors Inc. with the requirements for Residential Property Renovation, codified at Title 40 of the Code of Federal Regulations, Part 745, Subpart E, commonly known as the Renovation, Repair, and Painting (RRP) Rule. The Plan is designed to help ensure that covered companies and their employees, engaged in renovation activities involving residential “target housing” properties<sup>1</sup> and “child-occupied facilities,”<sup>2</sup> have the necessary guidance and/or training to conduct renovation activities in compliance with the RRP Rule. Because McFar Contractors Inc. may engage in renovation activities involving residential “target housing” properties and “child-occupied facilities” from time to time, McFar Contractors Inc. is hereby adopting this Plan.

**IN THE EVENT OF ANY DISCREPANCY BETWEEN THE REQUIREMENTS IN THIS DOCUMENT AND THE RRP RULE, THE RRP RULE PREVAILS.**

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<sup>1</sup> “Target Housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. Section 401 of TSCA, 15 U.S.C. Section 2681(17); see also, 40 C.F.R. § 745.223.

<sup>2</sup> “Child-Occupied Facility” means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may be located in target housing or in public or commercial buildings. 40 C.F.R. § 745.83.

## **II. Objective.**

The objective of the Plan is to ensure McFar Contractors Inc.'s compliance with the RRP Rule where applicable. This Plan does not address compliance with EPA's other lead-based paint laws or regulations or those of other federal, state, or local agencies.

## **III. Applicability.**

This Plan covers all McFar Contractors Inc.'s employees and McFar-engaged contractors and subcontractors working on projects involving the "renovation," as that term is defined at 40 C.F.R. § 745.83, of property originally constructed prior to 1978. Note, that in addition to pre-1978 residential structures and child-occupied facilities, the conversion of any class of property (e.g., Commercial, Industrial, etc.) constructed prior to 1978 to residential use makes such property subject to the requirements of 40 C.F.R. Part 745 and this Plan.

## **IV. Procedures.**

This document, adopted by McFar Contractors Inc., sets forth procedures that will address the following broad categories of compliance that apply to the Rule cited above: A) Obtaining, maintaining and renewing the EPA RRP-Firm Certification(s); B) Obtaining, Maintaining and renewing RRP Certifications of Individual Renovators, which are issued by EPA-accredited training providers; C) On-the-job training of uncertified McFar Contractors Inc. employees who perform RRP work; D) Pre-renovation education of owners and occupants; E) Compliance with lead-safe work practice standards for renovation projects; F) Compliance with post-renovation cleaning verification; G) Creation and retention of records of compliance; and H) Management of general contractor/subcontractor roles for RRP Rule projects.

**A. Firm Certification.**

**RRP Rule** – McFar Contractors Inc. has obtained EPA RRP Firm Certification under certificate number NAT-F184021-1, valid from March 13, 2018 through March 27, 2023. Prior to McFar Contractors Inc.’s certification expiring, it will take the necessary steps to renew its firm’s certification.

**B. Individual certification(s).**

McFar Contractors Inc.’s individual Renovators’ certifications shall be kept in an electronic file database that is monitored by McFar Contractors Inc. As expiration dates near, Renovators shall be scheduled for a “Refresher” class at an EPA-accredited training provider. Once training is completed, certifications for individual renovators are issued by the training provider as a course completion certificate upon completion of the course.

**C. Training of Respondent’s employees.**

**RRP Rule** - As the general contractor, whenever McFar Contractors Inc. undertakes a project that is subject to the RRP Rule, it will ensure that an RRP Certified Renovator(s) (appropriately trained individual(s) in possession of a current Renovator certificate issued by an EPA-accredited training provider (school)) is assigned to that project. The assigned Certified Renovator(s) may be an employee(s) of McFar Contractors Inc., or of a subcontractor(s) McFar Contractors Inc. engages. This assigned Certified Renovator(s) will be responsible, in part, for compliance with the RRP Rule for that project, and in that role must perform, and document, a number of specific RRP Rule compliance-related

functions. This assignment of a Certified Renovator must take place prior to the commencement of a project subject to the RRP Rule.

- 1. Assigned Certified Renovator(s)** - If McFar Contractors Inc. chooses an employee(s) as the assigned Certified Renovator(s), that employee(s) must have valid and current Renovator certification from an EPA-accredited training provider before such employee(s) can serve the Certified Renovator function.
- 2.** If McFar Contractors Inc. is involved in multiple concurrent projects, McFar Contractors Inc. will be required to ensure the availability of a sufficient number of Certified Renovators to maintain proper coverage and ensure compliance with the RRP Rule at all renovations.
- 3.** For each RRP project, a Certified Renovator must train any uncertified workers on the lead-safe work practices that they will be using in performing the RRP work. The Certified Renovator will create a record of this training, and McFar Contractors Inc. will retain all RRP records of compliance (see item F below) contained in the RRP Compliance Packet, which is Attachment 2. The assignment of the Certified Renovator must take place prior to commencement of the project subject to the RRP Rule.

**D. Pre-Renovation Education.**

Whether or not McFar Contractors Inc. engages a contractor or subcontractor on a project, McFar Contractors Inc. will ensure compliance with the Information Distribution (Renovate Right booklet) requirements of the RRP Rule.

**E. Work Practice Standards.**

Whether or not McFar Contractors Inc. engages a contractor or subcontractor on a project, McFar Contractors Inc. will ensure compliance with the work practice standards and proper documentation of compliance with (both renovation and post-renovation cleaning verification) the RRP Rule.

**F. Records Retention and Submission**

1. McFar Contractors Inc. will generate and maintain the following records of compliance with the RRP Rule for each renovation it conducts:

- Documentation that one or more certified renovators was assigned to each project, including the name of each individual certified renovator assigned and a copy of his or her current certificate;
- Documentation that a certified renovator provided on the job training and direction to workers who perform regulated renovation. If only a certified renovator(s) was present and no other workers were at the project, the documentation should so state;
- Documentation that a certified renovator performed the post-renovation cleaning verification;
- Signed and dated acknowledgements of receipt of the Renovate Right pamphlet from both owners and/or occupants (i.e., pre-renovation education) or certificates of mailing providing proof of attempted distribution of the Renovate Right pamphlet.
- Documentation of results of any testing performed by an inspector, risk assessor or certified renovator;

- Documentation that when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, McFar Contractors Inc. provided information pertaining to compliance with the RRP to the owner of the building and, if different, an adult occupant of the dwelling, or if the renovation took place in a child-occupied facility, an adult representative of the child-occupied facility.
- Documentation of compliance with work practice standards and any other provisions of the RRP Rule not specified above.

2. McFar Contractors Inc. will maintain these records for each renovation for a minimum of 3 years after completion of the work. If the specified documents are maintained in hard copy, all such documents covering all projects with RRP Rule requirements shall be maintained at McFar Contractors Inc.'s office located at 99 Cottage Place, Mineola, New York 11501, in a central file dedicated to RRP Rule documentation, with copies of the specified documents to be kept with the individual project files (including scope of work, contracts, proof of payment). If hard copy records are not maintained, the specified records shall be maintained electronically in a folder dedicated to RRP Rule documentation in an easily-accessible format, and copies of the specified RRP-compliance documents shall also be kept with the individual project files or folders. All electronic files containing the specified documents shall be backed up regularly and copies shall be maintained off-site, in the cloud or on some independent medium to prevent inadvertent loss or destruction of the data. Records shall be maintained in PDF format or another format to prevent modification of historical data.

3. As set forth in the attached Consent Agreement and Final Order, McFar will submit quarterly reports containing the above information for a period of one year from the date of signature of the Final Order. After the reporting time period expires, McFar should be prepared to provide the information to EPA upon request.

**G. Managing general contractor/subcontractor roles for projects subject to the RRP Rule.**

1. Whenever McFar Contractors Inc. engages any contractor or subcontractor on a project, McFar Contractors Inc. will ensure RRP compliance (firm certification, worker training, lead-safe work practices, record keeping, etc.), creation and retention of all records of compliance (and provide copies to whichever firm contracted the work to McFar Contractors Inc.), and information distribution (“Renovate Right” booklet (<https://www.epa.gov/lead/materials-and-downloads-renovators-renovation-repair-and-painting>), etc.) to the owner and/or tenants, as required/applicable.

2. Before McFar Contractors Inc. engages any contractor or subcontractor on a project, McFar Contractors Inc. will seek (and retain) documentation that any such firm is EPA-certified for RRP. McFar Contractors Inc. shall also seek and retain documentation that any such subcontractor uses certified/trained workers at a renovation as required/applicable and that a specifically identified Certified Renovator has been assigned prior to the commencement of the project as the Certified Renovator to satisfy the assigned Certified Renovator responsibilities OR McFar Contractors Inc. will perform all such tasks itself. Upon completion of the

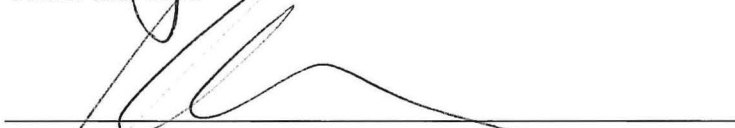
project, McFar Contractors Inc. will ensure all requirements of the RRP Rule are met and McFar Contractors Inc. will require the subcontractor to provide McFar Contractors Inc. with a copy of all records of compliance that McFar Contractors Inc. will then retain in its files for a minimum of 3 years after completion of the project.

**MCFAR CONTRACTORS INC.**

**LEAD PAINT REGULATIONS COMPLIANCE PLAN**

**COMPLIANCE PLAN AUTHORIZATION AND EFFECTIVE DATE (ATTESTED BY HIGHEST CORPORATE OFFICER)**

Penny Mendelson VP of Operations 6/16/2021  
Name and Title Date

 6/16/2021  
Signature of Authorized Officer Date

Penny Mendelson  
Print Name of Authorized Officer

VP of Operations  
Title