



**OFFICE OF CAPITAL IMPROVEMENTS – OCI**  
**Miscellaneous Construction Contract (MCC) Program**

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**Bulletin # MCC-10009**

**OCTOBER 7, 2010**

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**LEAD CERTIFICATION COMPLIANCE INFORMATION**

GM MCC Users,

As FYI, please see below Monica Rizo's (CAO) legal interpretation regarding the applicability of the EPA LEAD law to MDC in-house painters.

Thank you,

**Ultimo De Oliveira**  
Capital Improvements Analyst  
Office of Capital Improvements - OCI  
Phone: 305-375-5265 \* Fax: 305-372-6130  
Email: [Ultimo@miamidade.gov](mailto:Ultimo@miamidade.gov)

-----Original Message-----

**From:** Finol, Ana (OCI)  
**Sent:** Thursday, October 07, 2010 10:57 AM  
**To:** De Oliveira, Ultimo (OCI)  
**Subject:** FW: Lead Certification Compliance information

[Please clarify this issue to all MCC users.](#)

[Thank you.](#)

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**From:** Rizo, Monica (CAO)  
**Sent:** Wednesday, October 06, 2010 4:20 PM  
**To:** Cutie, Ralph (OCI); Mora, Jorge (MDPR); Laney, Angus (MDPR)  
**Cc:** Navarrete, George (OCI); De Oliveira, Ultimo (OCI); Finol, Ana (OCI); Martin, Marcia (OCI)  
**Subject:** RE: Lead Certification Compliance information

[This law applies to the in-house painters.](#)

**Monica Rizo**  
Assistant County Attorney  
Miami-Dade County, Florida  
Phone: (305) 375-4791  
Fax: (305) 375-5634



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**From:** Cutie, Ralph (OCI)  
**Sent:** Wednesday, October 06, 2010 2:48 PM  
**To:** Mora, Jorge (MDPR); Laney, Angus (MDPR)  
**Cc:** Rizo, Monica (CAO); Navarrete, George (OCI); De Oliveira, Ultimo (OCI); Finol, Ana (OCI); Martin, Marcia (OCI)  
**Subject:** FW: Lead Certification Compliance information

Jorge and Angus,

Below is clarification that Ultimo De Oliveira received regarding the LEAD Certification from the Associated Builders and Contractors (ABC). As we discussed, obviously, it's in the ABC's best interest to have a broad interpretation of the applicability of the law since they provide certification training. Notwithstanding this, according to the compliance guide below, *"anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978"* must be certified in accordance with this EPA requirement. We interpret this to include your in-house painters since they are *paid to perform work that disturbs paint* (as long as they are working on facilities built before 1978). Nevertheless, to cover all the bases, by copy of this e-mail, I am asking Monica Rizo to provide her legal interpretation regarding the applicability of the law to your in-house painters.

I have also attached copies of the e-mail that Ultimo issued to MCC users, which includes a .pdf of the respective section of the Federal Register containing this law, for your reference as well as a copy of an August 10, 2010 e-mail from Assistant County Attorney Oren Rosenthal where he indicates that this requirement "applies to ALL covered projects under the regulation" irrespective of funding source.

If you have any questions, please let me know.

Ralph.

**Ralph Cutié**  
**Manager, Project Scheduling and Compliance**  
**Office of Capital Improvements (OCI)**  
**General Obligation Bond (GOB) Division**  
**111 N.W. 1st Street**  
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*"Delivering Excellence Every Day"*

-----Original Message-----

**From:** De Oliveira, Ultimo (OCI)  
**Sent:** Wednesday, October 06, 2010 11:47 AM  
**To:** Cutie, Ralph (OCI)  
**Subject:** FW: Lead Certification Compliance information

Ralph, find below Jacquie's information.



Thanks,

**Ultimo De Oliveira**

Capital Improvements Analyst  
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Phone: 305-375-5265 \* Fax: 305-372-6130  
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-----Original Message-----

**From:** Jacquie Rivera [mailto:[jrivera@abceastflorida.com](mailto:jrivera@abceastflorida.com)]  
**Sent:** Friday, August 27, 2010 12:04 PM  
**To:** De Oliveira, Ultimo (OCI)  
**Subject:** RE: Lead Certification Compliance information

My pleasure

Best regards,

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Jacquie Rivera  
Vice President of Management Education  
Associated Builders and Contractors  
3730 Coconut Creek Pkwy. Ste 200  
Coconut Creek, FL 33066  
954-984-0075 office  
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"The last thing you want to be in a down economy is invisible"  
**ABC offers visibility**  
**ABC offers opportunity**



Please consider the environment before printing this email or any attachments

**From:** De Oliveira, Ultimo (OCI) [mailto:[ULTIMO@miamidade.gov](mailto:ULTIMO@miamidade.gov)]  
**Sent:** Friday, August 27, 2010 11:15 AM  
**To:** [jrivera@abceastflorida.com](mailto:jrivera@abceastflorida.com)  
**Subject:** RE: Lead Certification Compliance information

Thank you very much for your assistance.

**Ultimo De Oliveira**

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-----Original Message-----

**From:** Jacquie Rivera [mailto:[jrivera@abceastflorida.com](mailto:jrivera@abceastflorida.com)]  
**Sent:** Friday, August 27, 2010 11:02 AM



**To:** De Oliveira, Ultimo (OCI)  
**Subject:** Lead Certification Compliance information

Ultimo,

As discussed, the attached guides provide further details on the requirements. For ease, I extract the supporting data and indicate where in the guides it may be found. I also include the link to our course description and registration link. If I can be of further assistance, please feel free to contact me (as many times as needed ☺.)

Course information and registration link:

[http://www.abceastflorida.com/Management\\_Education/Environmental\\_Courses/Lead\\_Renovation.aspx](http://www.abceastflorida.com/Management_Education/Environmental_Courses/Lead_Renovation.aspx)

**Small Entity Compliance Guide – pages 4 and 5 respectively:**

**Who Must Follow the Renovation, Repair and Painting Rule's Requirements?**

In general, anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978, this may include, but is not limited to:

- Residential rental property owners/managers
- General contractors
- Special trade contractors, including
  - Painters
  - Plumbers
  - Carpenters
  - Electricians

**Training, Certification, and Work Practice Requirements.**

- All firms must be certified (even sole-proprietors).
- Renovators must be trained.

**Lead Compliance Alert – page 3  
Certification and Training**

All firms, regardless of number of employees, must be certified

Best regards,

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Vice President of Management Education  
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