



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Thomas C. Jackson
Counsel for National Association of Home Builders

Thomas Neltner
Counsel for Sierra Club, National Center for
Healthy Housing and Alliance for Healthy Homes

Patrick MacRoy
Executive Director, Alliance for Healthy Homes

RE: Suggested Changes to the Lead Renovation, Repair, and Painting Rule

Dear Sirs:

This is in response to your letter of July 23, 2009 to Andrew Simons suggesting changes to the Lead Renovation, Repair, and Painting (RRP) Rule. As you noted in your letter, because EPA has agreed to undertake several rulemakings to revise the RRP rule, we are in a position to consider other minor changes and clarifications to the rule to make it easier to understand and apply. We appreciate the thoughtful input of your July 23 letter, particularly as it represents insights gained during your organizations' efforts to implement the RRP rule.

As you are aware, several of your suggested changes would have to be done through rulemaking, and could not be done through guidance. In other cases, while we are considering a rulemaking option, we may also choose, in the interests of addressing questions in a timely manner, to issue guidance in the interim. We are still deliberating over some of your suggestions, but we intend to include others in the upcoming Notices of Proposed Rulemaking, either as requests for comment or as proposed changes to the regulatory text. For example, EPA supports the use of online training and other alternative training delivery methods for those portions of the lead-paint courses that do not require hands-on instruction. We are in the process of developing a model online renovator refresher course that could be used to deliver the classroom portion of the course. We intend to propose to specifically reference online and other alternative forms of training delivery in the training provider accreditation regulations at 40 CFR 745.225.

For another example, it is also our intention to request comment on the appropriate training requirements for principal instructors for renovator and dust sampling technician courses. As you know, the RRP rule extended the existing requirements for training provider

accreditation under the Lead-based Paint Activities Regulations to providers wishing to offer renovator and dust sampling technician training. The Lead-based Paint Activities Regulations included a requirement that each course have a principal instructor with certain qualifications, including 16 hours of EPA or State authorized or accredited lead-specific training. Persons interested in becoming a principal instructor for a renovator or dust sampling technician class could take a lead-based paint activities course, such as abatement worker (16 hours) or inspector (24 hours), to fulfill this requirement. EPA is willing to consider other approaches to fulfill this requirement.

We also appreciate your suggested edit to the RRP rule section describing the prohibited or restricted renovation practices, to replace the term "lead-based paint" with "painted surfaces," and your suggestion to specify RRP rule work practices in the section describing the training that certified renovators must provide to other renovation workers. We intend to include proposals for those changes in the upcoming Notices of Proposed Rulemaking.

With regard to the effective date of the RRP rule, we would like to emphasize that the RRP rule is important to the Agency and we are committed to implementing the rule as expeditiously as possible. We are also committed to helping persons comply with the rule as much as we can. Typically, EPA concentrates on outreach and compliance assistance during the first year that a new rule is in effect, so that the regulated community can learn about the rule and integrate compliance into ordinary business practices. We do not anticipate a different approach with this rule.

Thank you again for taking the time to provide us with these suggestions for improving the RRP rule. If you have any additional suggestions or questions, please do not hesitate to contact me at (202) 566-0718 or by e-mail at doa.maria@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa", with a long horizontal flourish extending to the right.

Maria J. Doa, Ph.D.
Director
National Program Chemicals Division