



## BUILDING A FRAMEWORK FOR HEALTHY HOUSING

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### Repairing the RRP Rule: An Advocate's Perspective

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### Finally... A Rule!

- Congress directed EPA to promulgate the rule in 1992 – excited to have it
- Rule helps close a giant loop hole in existing lead regulations
- Provides opportunity to begin larger healthy homes discussion with home repair industry



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## Concerns With Content of Rule

- Use of “cleaning verification” instead of quantitative dust clearance
- Allowance for untrained, unsupervised workers
- Exemption of owner-occupied units, failure to include public buildings, no change to dust standards



## Concerns With Content of Rule

- Exclusion of 0 bedroom units (statutory problem)
- Increase in *de minimis* levels
- Failure to prohibit dry-scraping
- Failure to disclose information on cleaning verification “results”
- Inconsistency with HUD rules



## Implementation Barriers

- Lack of sufficient appropriations for start-up & compliance assistance
- Uncertain availability of training
- Disconnect of rule from existing (non-lead) regulatory systems
- Lack of enforcement mechanisms



## Options to Address Concerns

- Federal Legislation
  - AFHH/NCHH Legislative Agenda
  - Required to fix some issues and get \$\$
- Judicial Review
  - Industry (NAHB) & advocates sued EPA
  - Timeline uncertain
- State implementation



## State Participation Critical

- RRP traditionally regulated by states
- Minimal interstate activity
- Lack of federal resources may allow for more successful implementation at state level
- True enforcement requires ground presence and integration with existing programs – not just paperwork review



## State Legislative Efforts

- Accept delegation of RRP rule
- Correct shortcomings:
  - Require clearance
  - Expand scope/prohibit unsafe practices
  - Require trained or supervised workers
- Guarantee use of licensing fees and fines collected for program operation



## State Implementation Issues: Programmatic Involvement

- Utilize existing lead program expertise, but consider placing RRP elsewhere
- Consider appropriate criteria for oversight of RRP program:
  - Familiarity with renovation and contracting industry
  - Ability to offer “one-stop” licensing
  - Ability to scale program and process quantity of applications
  - Connections to local code enforcement officials



## State Implementation Issues: Training & Outreach

- Demand likely to exceed capacity of existing lead/health & safety trainers
- Diligent effort needed to expand pool of trainers – consider CDCs/Housing organizations, CBOs, etc.
- Outreach (and training subsidies) especially needed for small contractors working in underserved communities



## State Implementation Issues: Enforcement

- Especially without clearance, direct observation of work practices required to meaningfully enforce
- Integrate RRP into existing systems (permits, registration, code enforcement, etc)
- Distribute authority to enforce rule widely; utilize tenants/public for tips



## Looking Forward

- Alliance & NCHH pushing to add definition of LSWP to peeling paint prohibition in the International Property Maintenance Code
- Increased awareness and access to contractors can be leveraged for other healthy homes issues



## Contact Information

I'm happy to take questions.

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