



LEAD: RENOVATION, REPAIR AND PAINTING REGULATION

Background

EPA's Lead: Renovation, Repair and Painting (LRRP) rule governing the work of contractors in any pre-1978 home took effect on April 22, 2010. The rule requires renovation work that disturbs more than six square feet on the interior of a pre-1978 home and all window and door replacement to follow rigorous and costly work practices supervised by an EPA-certified renovator and requires that it be performed by an EPA-certified renovation firm. (Homes can be exempted from the rule if no lead-based paint is found.)

A complete file of records on the project must also be kept by the certified firm for three years. These records include verification of owner/occupant receipt of the *Renovate Right* pamphlet or attempt to inform, documentation of work practices, Certified Renovator certification, and proof of worker training, as well as any pre-renovation testing for lead-based paint. Contractors are required by EPA to provide a copy of records developed under rule requirements with the customer within 30 days of completing the remodeling work. Almost all EPA enforcement investigations to date have been to verify proper paperwork and recordkeeping.

On July 6, 2010, EPA removed the "Opt-Out Provision" from the rule which allowed homeowners without children under six or pregnant women residing in the home to allow their contractor to forego the use of lead-safe work practices. By removing the opt-out provision, EPA more than doubled the number of homes subject to the LRRP Rule, and EPA has estimated that this amendment will add more than \$336 million per year in compliance costs to the regulated community. However, the costs are far greater because of EPA's flawed economic analysis which significantly underestimated the true compliance costs. EPA has also failed to meet the requirements of its own rule by failing to approve an accurate lead test kit. Current test kits can produce up to 60 percent false positives, meaning that in many cases, consumers are needlessly paying additional costs for work practices that are not needed and provide no benefit, but must be employed because of false positive test results. EPA's initial estimates stated that an improved test kit would reduce the rule's cost by \$400 million a year.¹ In addition, EPA stated in its rulemaking that "if the improved test kits are not commercially available by September 2010, EPA will initiate a rulemaking to extend the effective date of this final rule for 1 year with respect to owner-occupied target housing built after 1960."² EPA has also begun the process of extending the LRRP Rule to commercial and public buildings through an Advance Notice of Proposed Rulemaking—even though Congress only granted EPA authority to issue guidelines for work practices applicable to RRP activities unless the agency engages in a study of renovation in commercial and public buildings.

Take Action

- Congress - Cosponsor S. 484 and H.R. 2093 the *Lead Exposure Reduction Amendments Act* introduced by Senator Jim Inhofe (R-OK) and Rep. Tim Murphy (R-PA) respectively. This legislation would:

¹ 73 Fed. Reg. 21692, 21751 (April 22, 2008).

² *Id.*, 21713

- Restore the “Opt-Out Provision” which would allow homeowners without small children or pregnant women residing in them to decide whether to require LRRP compliance, not the government;
- Prohibit EPA from expanding the LRRP to commercial and public buildings until EPA conducts a study demonstrating the need for such an action;
- Suspend the LRRP if EPA cannot approve one or more commercially available test kits that meet the regulation’s requirements (40 CFR §745.88);
- Provide a de minimus exemption for first-time paperwork violations;
- Provide for an exemption for renovations after a natural disaster

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