

Fast Facts About Legislation to Improve Lead Paint Rule and Reduce Regulatory Burden



Senate Bill:

Sen. James Inhofe (R-Okla.) introduced the Lead Exposure Reduction Amendments Act of 2012 (S. 2148) to improve the lead paint rule for home owners and remodelers who must comply with the costly work practices and record keeping requirements of the rule. The bill was introduced with five original co-sponsors: Sens. Charles Grassley (R-Iowa), David Vitter (R-La.), Michael Enzi (R-Wyo.), Tom Coburn (R-Okla.) and Roy Blunt (R-Mo.).

House Bill:

Reps. John Sullivan (R-Okla.) Tim Murphy (R-Pa.) and a bipartisan list of original co-sponsors including 7th District Congressman Billy Long (R-Mo.), introduced legislation to make much-needed improvements to the Environmental Protection Agency's Lead: Repair, Renovation and Painting (LRRP) rule. H.R. 5911, the Lead Exposure Reduction Amendments Act of 2012, would help home owners and remodelers to better comply with the costly work practices and record keeping requirements of the rule without compromising safety standards.

Specifically, the legislation would:

- Reinstatement of the opt-out provision to allow home owners without small children or pregnant women residing in them – not the government -- to decide whether to require LRRP compliance.
- Suspend the LRRP if EPA does not approve a commercially available test kit that meets the regulation's requirements.
- Allow remodelers to reduce fines if they correct paperwork errors found during an inspection.
- Eliminate the "hands on" recertification training requirements that force some remodelers to travel long distances to training facilities to receive proper certification.
- Prohibit EPA from expanding the LRRP to commercial and public buildings until at least one year after the agency conducts a study demonstrating the need for such an action.
- Clarify the definition of "abatement" to specifically exclude remodeling and renovation activities.
- Provide an exemption to the regulation for emergency renovations.

Additional Facts About the LRRP Rule:



-The LRRP rule, which took effect on April 22, 2010, requires that remodelers and contractors working in homes built before 1978 be trained and certified by the EPA on lead-safe work practices before they can legally work in those homes.

-Three months later, EPA removed the “opt-out” provision in the LRRP that allowed remodelers working in a home built prior to 1978 to forego more expensive work practices according to the owner’s wish if no children under the age of six or pregnant women resided there.

-By removing the opt-out provision, EPA more than doubled the number of homes subject to the LRRP. The agency has estimated this will add more than \$336 million per year in compliance costs to the remodeling community, and more importantly, without making young children any safer.

-EPA has failed to approve a test kit that meets the “false positive” and “false negative” criteria stated in the regulation. When the EPA implemented the final LRRP rule, the agency failed to meet the requirements of its own directive when it was unable to approve a more accurate commercially viable lead test kit that would register no more than 10% false positives and 5% false negatives. Current test kits can produce up to 60% 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.

-By failing to perform a study of lead exposure rates from work on commercial and public buildings, the agency has also exceeded its congressional mandate by starting the process of extending the LRRP to those structures through an Advanced Notice of Proposed Rulemaking.

-On July 25, 2012, the EPA's Office of the Inspector General (OIG) reported on the findings of its investigation of the Lead: Renovation, Repair and Painting (LRRP) rule's economic analysis. Not surprisingly, the OIG found that the EPA Office of Chemical Safety and Pollution Prevention (OCSPP) had underestimated the rule's cost and overestimated the benefits.

The OIG also found that the training manual and subsequent “certified renovator” training lacked the distinct differentiation between which lead-safe work practices were mandated and which were simply recommendations.

In the report, the OIG recommended that OCSPP reexamine the costs and benefits of the lead paint rule to determine if the rule should be modified, streamlined, expanded, or repealed in accordance with the President's recommendations to reform regulations found in Executive Order 13563. The OIG also recommended that the EPA revise its training manual to distinguish which work practices are mandatory and which are not required. OCSPP did say it has already addressed the training issue, the OIG has not seen the revisions and NAHB does believe that current certified renovators are aware of any changes.