

Advocacy Submits Comments on EPA's Lead-Based Paint Renovation Rule; Recommends Changes to Reduce Small Business Costs

On May 25, 2006, the U.S. Small Business Administration's Office of Advocacy (Advocacy) submitted comments to the U.S. Environmental Protection Agency (EPA) concerning EPA's *Proposed Lead; Renovation, Repair, and Painting Program Rule*. EPA's proposed rule is designed to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint in support of the Federal government's goal of eliminating childhood lead poisoning by 2010. The proposed rule would establish requirements for renovation work practices, and for training of renovators and dust sampling technicians.

In developing its proposed rule, EPA convened a Small Business Advocacy Review Panel in 2000 in accordance with the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA). The panel, made up of representatives from EPA, Advocacy, and the Office of Information and Regulatory Affairs within the Office of Management and Budget, received advice from small business representatives about how the proposed rule might affect them and how it could be made less costly and burdensome.

- Advocacy supported EPA's effort to impose reasonable minimum work practice standards that will ensure that renovation activities do not create lead hazards. However, Advocacy was concerned that if the rule is too costly or burdensome, it could increase lead hazards because some owners might defer maintenance, complete the jobs themselves (and not use proper cleanup techniques), or hire contractors who do not follow the rules.
- Advocacy also expressed concern that EPA's proposed "dust collection cloth" cleaning verification procedure was too costly and burdensome, and was not based on sound science. Advocacy recommended that EPA adopt a "no visible dust or debris" cleanup standard, instead.
- Advocacy recommended that EPA issue a new proposed regulation to phase in the requirements for 1960-1977 housing, after lead-based paint test kits meeting EPA specifications have been developed. Advocacy also recommended that EPA allow the use of non-HEPA ("high efficiency particulate air") vacuums, in addition to HEPA vacuums for the final cleanup, since both are equally effective.
- Advocacy recommended that EPA expand the exclusions of activities that involve minimal amounts of lead dust generation (and therefore do not generate lead hazards).

A complete copy of Advocacy's letter to EPA is available at www.sba.gov/advo/laws/comments. For more information about the rule, please contact Kevin Bromberg, Assistant Chief Counsel, at (202) 205-6964 or kevin.bromberg@sba.gov.