
**EPA Proposes Notification Requirements for Lead-Based Paint Abatement
Activities and Training**

On January 22, 2001 EPA proposed a rule entitled, "Lead: Notification Requirements for Lead-Based Paint Abatement Activities and Training", 66 Federal Register 7207. This paper summarizes the proposed rule to assist Army and DoD reviewers in determining whether the rule is applicable to their activities and whether they should review and comment on this proposal.

BACKGROUND

The Toxic Substances Control Act (TSCA) as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992, requires EPA to promulgate regulations governing (1) the training and certification of individuals engaged in lead-based paint (LBP) activities, (2) the accreditation of LBP related training programs, and (3) the establishment of standards for conducting LBP activities. EPA is proposing notification requirements regarding abatement and training activities which will assist EPA personnel in prioritizing inspections and tracking compliance.

APPLICABILITY

This rule has limited applicability. It would only apply to target housing (pre-1978) and to child occupied facilities in States or Indian Tribes that do not have programs authorized pursuant to 40 CFR 745.324.

WHO SHOULD READ THIS?

Because this rule has limited applicability and is administrative in nature, it is not expected to have a significant impact on the Department of Defense. However, persons responsible for arranging, providing, or conducting LBP training or abatement relative to target housing or child occupied facilities may want to read this proposal to evaluate potential impacts. For example if this rule is finalized, contract specifications may warrant modification to delineate whether the contractor or the government will function as the "training manager" responsible for providing training related notifications.

SUMMARY

In this proposal, EPA specifies requirements for three types of notifications. The notifications could be provided via written notice or electronically. However, any electronic notice would have to be followed by a written notice within 24 hours. The written notice could be provided by U.S. Postal Service, fax, commercial delivery, or hand delivery. The sample notification forms and instructions, though

not provided in the proposal, would be made available via the internet at <http://www.epa.gov/lead>.

Notification of LBP Abatement Activities

Except in the case of an emergency response due to an elevated blood lead determination, this proposed rule would require a 10 business day advance notice of LBP abatement activities. The LBP activities could not start on any date other than the one specified in the notification.

This proposal would require a "certified firm" (defined as the company, partnership,... that performs LBP activities to which EPA has issued a certificate of approval...) to provide notification to EPA of the following information:

- Type of notification (original, updated, or cancellation).
- Commencement date.
- Approximate date when LBP abatement activities will end.
- Firm's name, EPA certification number, address, and phone number.
- Type of building on/in which abatement work will be performed.
- Property name, if applicable.
- Property address for abatement including nearest cross streets.
- Copy of Federal/State/Tribal/Local emergency abatement order, if applicable.
- Name, EPA certification number, and signature of the Certified Supervisor.
- Approximate square footage/acreage to be abated.
- Brief description of abatement activities to be performed.

Advance Notification of LBP Training Activities

EPA also proposes a 10 business day advance notice of LBP training activities. This notice would be provided by the "training manager" defined as the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors. The training could not commence on any date other than the date specified in the notification. The notification would include the following information:

- Notification type (original, updated, cancellation).
- Training program name, EPA accreditation number, address, and phone number.
- Course discipline, type (initial/refresher), and the language in which instruction will be given.
- Date(s) and time(s) of training.
- Training locations(s) phone number, and street address including nearest cross streets.
- Principal instructor's name.
- Training manager's name and signature.

Notification of LBP Training Completion

Within 10 business days of completion of the training, EPA would also require the training manager to submit a notification of the following information:

- Training program name, EPA accreditation number, address, and phone number.
- Course discipline and type (initial or refresher).
- Date(s) of training.
- The student name, address, social security number, course completion certificate number, and test score.
- Training manager's name and signature.

COMMENTS

Comment on this rule are due to EPA no later than February 21, 2001.