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Congress of the United States
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CHAIRMAN,
SUBCOMMITTEE ON DOMESTIC POLICY
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
COMMITTEE ON EDUCATION AND LABOR

August 7, 2007

The Hon. Stephen L. Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, ARN
Room 3000, Mail Code 1101A
Washington, D.C. 20460-0001

Dear Administrator Johnson:

I write to urge revision of the proposed Environmental Protection Agency (EPA) rule entitled "Lead; Renovation, Repair, and Painting Program" (EPA-HQ-OPT-2005-0049). It is essential that the EPA issue this well overdue rule which, with the following changes, will prioritize the prevention of childhood lead exposure.

It would be difficult to underestimate the impact of lead on our children. At least 310,000 children are considered to be lead poisoned, though that number is expected to be much higher because there is no safe level of exposure to lead according to many scientists and the EPA. As research methods and detection technologies advance, experts find health effects at blood lead levels previously thought to be safe.

In addition, the list of health effects is expanding. We have long known about lower IQs, onset of ADD/ADHD, and permanent kidney damage. Evidence for a link between crime and lead exposure in children is now mounting. A recent peer reviewed article has been among the most convincing, finding that variation in blood lead levels in preschool-aged children explains variation in crime trends (including theft, burglary, murder, rape, robbery and aggravated assault) in multiple developed countries. The study also finds early evidence for links between extreme levels of lead poisoning and murder.¹

The proposed rule has several important deficiencies including an inappropriate reliance on "white glove" testing over clearance dust testing and the treatment of carpets. However, I am particularly concerned with the omission of work practice standards.

Prohibited methods of paint removal, repair, and renovation in affected facilities must be comprehensive to ensure the safety of both workers and occupants. The EPA admits that the proposed rule is weaker than comparable regulations affecting properties under the auspices of

¹ Environmental Research, Volume 104, Issue 3, July 2007, Pages 315-336

the Department of Housing and Urban Development.² The omission of work practice standards in the proposed rule allows the possibility of significant exposure resulting from repairs or renovations. If dangerous work practices are allowed, new chances for exposure are created as lead that was previously bound up in sealed paint is aerosolized or turned into dust and distributed throughout the building. Any serious attempt to reduce exposure to lead exposure in children must ban unsafe work practices.

The idea that a child could be far more exposed to lead because the residence is covered by EPA regulations instead of HUD regulations is unjust. All children deserve the best possible protection.

I encourage you to act promptly to adopt protections at least as protective as those that apply to HUD housing. No child deserves less than the best possible protections from a toxic chemical that could deprive him or her of a fair chance at life and health.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style.

Dennis J. Kucinich
Member of Congress

² Part VI of the rule entitled "Statutory and Executive Order Reviews," in Subpart C, Section 4, entitled Relevant Federal Rules