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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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May 19, 2009

Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

We are writing to express some concerns with EPA's implementation of the "Lead: Renovation, Repair and Painting Rule" that requires training and certification to become a "certified renovator." Starting on April 22, 2010, renovation work that disturbs more than six square feet in target housing must be supervised by a certified renovator and performed by a certified renovation firm, as outlined in 40 CFR § 745.85.

EPA, in its economic analysis of the rule, estimated that it would need to certify 186,811 renovators between April 2009 and April 2010, with another 123,776 renovators between April 2010 and April 2012. To achieve these goals, EPA will have to train almost 17,000 renovators per month, or nearly 4,000 renovators per week. Moreover, the rule included no grants or other allotted monies to assist in training. These facts raise several questions: How can EPA train over 4,000 renovators a week, which it must do to comply with the April 22, 2010 deadline? How many training programs has EPA accredited since it began accepting applications on April 22, 2009? Can EPA even begin certifying programs on May 22, 2009? Does EPA think 11 months is enough time to train the estimated 186,811 people it needs to train?

Additionally, it's unclear how EPA's rule will affect economic stimulus money designated for housing weatherization. The Department of Energy received \$5 billion for its Weatherization Assistance Program. Weatherization typically replaces inefficient doors and windows in existing homes. These homes are the most likely to have lead paint in them; also, such homes meet the definition of target housing in the lead rule. To weatherize homes, DOE contractors will most likely be removing doors and windows covered by lead-based paint. Currently, none of these contractors comply with EPA's rule, and it is our understanding that, absent EPA certification, they could be forced to stop their work on April 22, 2010, which, among other things, would hinder the President's economic stimulus plan.

Our final concern is with coordination of lead-based paint rules across the federal government. Currently EPA, OSHA, and HUD have lead-based paint rules that impact the remodeling industry, and each rule has separate training, reporting, and recordkeeping requirements. Additionally, many states have their own rules and requirements, further complicating

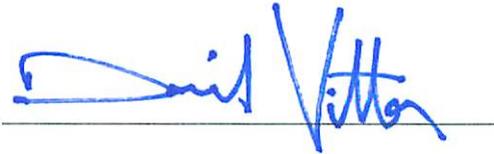
compliance for remodelers. Is EPA working with OSHA and HUD to streamline its lead-based paint requirements? If so, please describe the work underway to attain this goal. With different state requirements for lead-based paint, how will EPA ensure that the 186,811 renovators it needs to train will meet both EPA and any additional state requirements?

Thank you for your consideration of this important matter. If you have any questions or concerns, please speak to Mike Catanzaro of my staff at (202) 224-6176.

Sincerely,



Paul W. Kelly



David Vitter

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