

NAPAC Supports Senators' Challenge to EPA on Logic of More Lead Paint Changes

At the urging of NAPAC and others, a group of U.S. Senators recently sent two letters to the EPA regarding the Renovation, Repair and Painting Rule ("RRP Rule"). The first letter questions the EPA's proposal under the RRP Rule that would require "clearance testing" to prove the presence or absence of lead following a project's completion. The second letter criticizes the EPA's intention to extend the RRP Rule to commercial and public buildings.

The first letter regarding "clearance testing" noted the problems surrounding EPA's initial implementation of the RRP Rule in 2010, including failure to have enough training providers in place, confusion amongst homeowners as to how the RRP Rule applies, inadequate number of test kits, and an erroneous estimation of the cost of compliance on a per-job basis. The letter states that further changes to the RRP will only make matters worse.

The letter also questions the blurring of the line between renovation activity and abatement activity that would occur if clearance testing became mandatory. In fact, the Senators outright demand that the EPA provide the legal basis for what would amount to imposing an abatement activity requirement on renovation activities.

The second letter questions whether the EPA has sufficient data to support its intention to extend the RRP Rule to commercial and public buildings. The letter notes a 2010 EPA report that found that little information existed as to lead exposure risks in commercial and public buildings.

Senator James Inhofe (R-OK), arguably the most outspoken critic of the EPA's handling of the RRP Rule, stated "EPA's latest proposal governing how renovators and remodelers handle lead-based paint is impractical, confusing, costly, and not based on the best available science.

"Once again, EPA is fumbling implementation of this rule, to the point that it will cost jobs and fall far short of fully realizing the rule's laudable public health goals.

"When EPA mismanaged implementation of the first phase of this rule, more than 60 Senators—Democrats and Republicans—voted to hold EPA accountable to fix its mistakes. The agency, unfortunately, appears to be heading down a similar path. I hope in due course the agency will heed the Senate's concern and ensure the rule is carried out efficiently and effectively to protect public health."

Copies of the letters are available on www.napac.net (in this story under News Archives).