

Will the Lead Paint Opt Out Come Back? Don't Bet on It

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A “who’s who” of leading EPA critics has introduced a bill in the U.S. Senate that would essentially return the EPA’s Renovation, Repair and Painting Rule to what it was when first passed. Specifically, remodelers would be permitted to allow homeowners to “opt out” from the rule and not have lead-safe work practices performed at their home. Just as with the original law, only homes with no children under 6 years old and without pregnant women would be allowed opt out of the rule.

NAPAC members may be aware that the EPA only abandoned the “opt out” after environmental and health advocacy groups threatened to sue the EPA over the issue. This new bill is sponsored by Oklahoma Sen. James Inhofe and co-sponsored by Senators Charles Grassley (R-Iowa), David Vitter (R-La.), Michael Enzi (R-Wyo.), Tom Coburn (R-Okla.) and Roy Blunt (R-Mo.).

The prospects for this bill becoming law are not good...at least right now. With Democrats in control of the Senate, the bill has no real chance of being passed by the Senate. If Republicans take control of the Senate in 2012, and retain control of the U.S. House of Representatives, they should be able to pass the bill in both chambers of Congress. The question would then be, if President Obama were to win a second term, would he veto the bill? The chances are very high given the President’s position as a strong supporter of the current lead paint laws.