



Affiliate Executives:

The **EPA announced last Friday that it will not take enforcement action against renovation and repair firms for violations of the rule's certification requirement until October.** For individual renovation workers, the agency will not take enforcement action as long as those workers have applied for, or enrolled in, training classes by September 30, 2010.

EPA will offer additional time for renovation firms and workers to obtain the necessary training and certifications to comply as follows:

- Until October 1, 2010, EPA will not take enforcement actions for violations of the RRP Rule's firm certification requirement.
- For violations of the RRP Rule's renovation worker certification requirement, **EPA will not enforce against individual renovation workers if the person has applied to enroll in, or has enrolled in, by not later than September 30, 2010, a certified renovator class to train contractors in practices necessary for compliance with the final rules. Renovators must complete the training by December 31, 2010.**

The *Wall Street Journal* article below discusses the reasons for the delay.

EPA to Delay Enforcing Lead-Paint Regulation

By Stephen Power

WASHINGTON—The Environmental Protection Agency has decided to delay enforcing a new lead-paint regulation following pressure from home builders and members of Congress.

The rule would require contractors who work in older homes to become certified by a government-approved trainer and follow a series of safety precautions.

The delay follows an outcry from businesses and trade groups, including the National Association of Home Builders, Home Depot Inc. and Lowe's Cos., as well as lawmakers in both parties. Industry groups charged the regulation would drive up costs and expose contractors to fines and litigation. Some also contended the regulation could derail Washington's efforts to promote energy efficiency because EPA has not approved enough instructors for the required training programs.

The regulation took effect in April and covers tens of millions of homes built decades ago. It aims to reduce the amount of lead dust created during home renovation and repair. Some of the precautions for contractors include covering floors with plastic sheeting and dressing workers in protective clothing. The regulation would also have driven up costs for homeowners, though the amounts have been a point of dispute between the industry and the EPA.

A soft, bluish metallic element, lead was often used as an ingredient by paint manufacturers decades ago. The EPA says lead-based paint was used in more than 38 million homes until the government banned it from housing in 1978.

The average concentration of lead in the blood of young children has fallen sharply since then, but EPA officials say too many are still being poisoned by lead-based paint in their homes. The agency says that from 1999 through 2004, about 285,000 children between the ages of one and five years were estimated to have elevated lead levels in their blood each year.

In a memorandum to EPA regional offices on Friday, Cynthia Giles, the EPA's assistant administrator for enforcement, said the agency will not take enforcement action against renovation and repair firms for violations of the rule's certification requirement until October. For individual renovation workers, the agency will not take enforcement action as long as those workers have applied for, or enrolled in, training classes by Sept. 30.

Ms. Giles said the agency continues to believe "a disturbing number of America's children are...poisoned by lead-based paint in their homes," resulting in learning and behavioral disorders. But she acknowledged concerns raised by home-repair firms about a shortage of government-approved trainers, as well as "numerous disaster declarations" in some areas that have heightened demand for home repairs. Industry groups and some lawmakers calling for a relaxation of the rule said it threatened to slow recovery from Tennessee floods in May.

In a statement Monday, the National Association of Home Builders welcomed the EPA's move, saying the agency "listened to our concerns and did the right thing."

The EPA has also come under fire from Congress. Last month, the Senate voted 60 to 37 to bar the EPA from fining companies or individuals found to have violated the rule, a rare instance of Republicans and Democrats supporting legislation to limit the EPA's power.

In a statement, one of the co-sponsors of that legislation, Sen. James Inhofe (R., Okla.) said he was "pleased that the EPA listened to the clear bipartisan message sent by the Senate that the implementation of the lead-based paint rule was a disaster." The rule's supporters expressed dismay Monday about the EPA's decision to delay enforcement.

"Industry voices have apparently drowned out those of our nation's children who bear the long-term ramifications of lead exposure," said Rebecca Morley, executive director of the nonprofit National Center for Healthy Housing.

Ms. Morley said she was relieved, however, the EPA will continue to enforce certain work-practice rules, such as those requiring the use of special equipment filters during renovations and repairs.

[Kristin Bromberg](#)

Manager of Communications

NATIONAL FINISHING CONTRACTORS ASSOCIATION

8120 Woodmont Avenue, Suite 520 | Bethesda, MD 20814

W: 301.215.7026 | F: 301.215.7027 | C: 703.919.7786

kbromberg@finishingcontractors.org | www.finishingcontractors.org