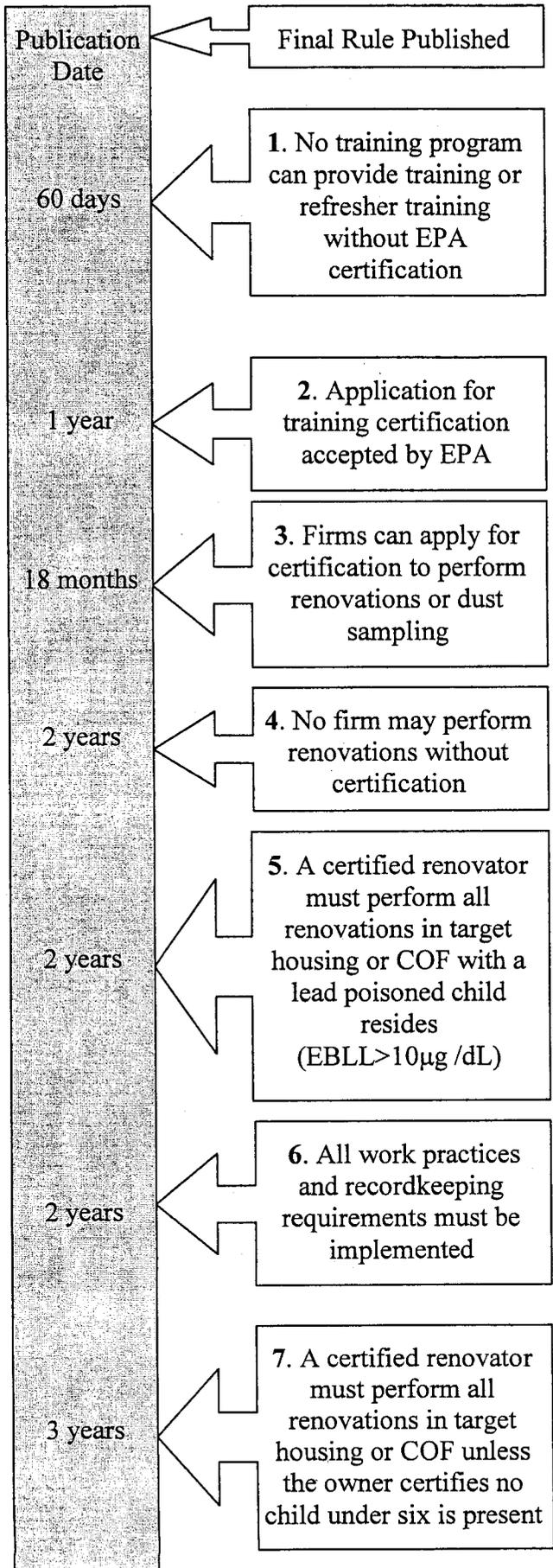


Lead: Remodeling, Repair and Painting, Proposed Rule timeline

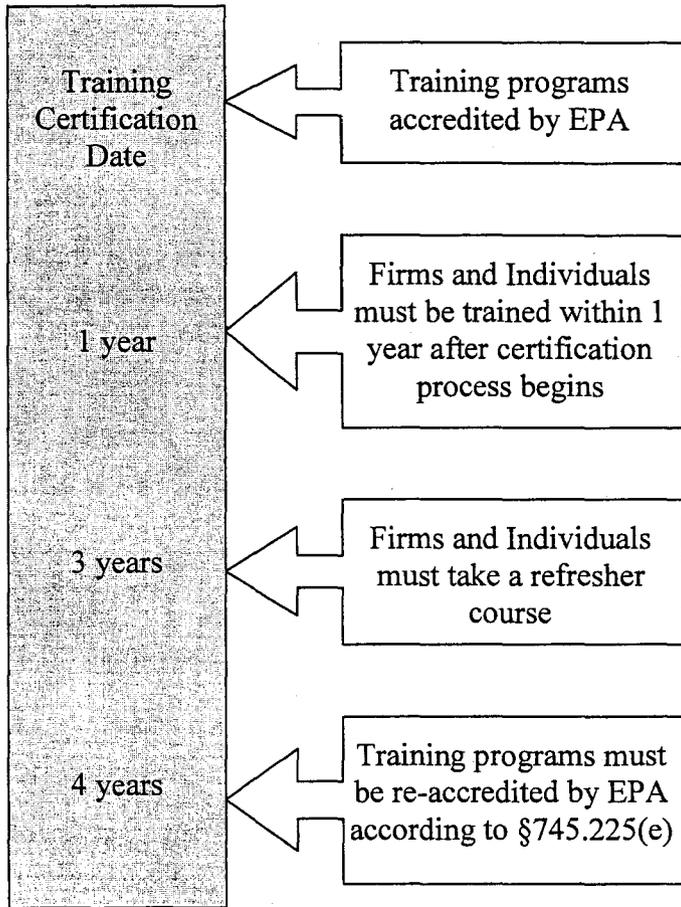


This is a proposed timeline and explanation for the proposed Lead RRP rule, FR vol. 71 no. 6 pages 1627 – 1636, as appears in the amended language for 40 CFR part 745. 40 CFR 745.81(a) Effective Dates

- ❖ Does this mean that any training for renovator and dust sampling tech. is accredited from the date of publication up to 60 days after publication? (#1)
- ❖ Does this mean no certified training can occur between 60 days and 1 year after publication? (#1 & 2)
- ❖ Requirements for certification – pay proper fee, environmental compliance history background check and completeness of application (#3 & 4)
 - Not having seen the application should we presume it asks for names of certified renovators or dust samplers?
- ❖ If a certified renovator is required on site at all times, then EPA can eliminate the position of dust sampling technician.

The preamble, on page 1599, EPA believes one year is the timeframe necessary to develop test kits “that are able to identify more accurately those homes that do not contain lead-based paint at regulated levels.” It has been nearly two years since the notice and no such test kit has emerged to economically identify homes with any accuracy as free of lead-based paint. Amended 40 CFR 745.82(a)(3) recognizes the test kits or the use of said kits, but not their availability, CFR 40 745.82(a)(2) exempts homes that have a “written determination” from a certified (§745.226 or .324) inspector. What responsibility does EPA have in developing this test kit?

Lead: Remodeling, Repair and Painting, Proposed Rule timeline



The calendar for this rule is very confusing. Different types of entities—states, trainers, individuals, and firms—must keep records for different periods of time, and the schedule for recertification is not the same as it is for recordkeeping. States are to report every two years, after a startup period; firms keep records for three years, and trainers keep records for three and a half years. On the other hand, firms and individuals remain certified for three years, while trainers can go four years without recertification (even though they only have to keep records for three and a half years). What a hodge-podge this is. NAHB does not assert there is no need for renewal of training, because of technical change or improved knowledge, but technology changes at the same rate for everybody. If four years is an appropriate period to capture technological change for trainers, then it is the minimum appropriate period for retraining the students. There is no sense in requiring workers to be re-trained faster than the instructors; the instructors would have nothing new to teach the workers. Putting all the entities on the same schedule would facilitate compliance, because it would be easier for people to remember; everyone in the industry would know that every four years, the lead certification must be renewed.

Lead: Remodeling, Repair and Painting, Proposed Rule

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