



National Association of Home Builders

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May 8, 2014

Jim Jones, Assistant Administrator
United States Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Avenue, NW
Mail Code 7401-M
Washington, DC 20460

**RE: Lead-based Paint Program; Amendment to Renovator Refresher
Training Requirements**

Dear Assistant Administrator Jim Jones:

The National Association of Home Builders (NAHB) commends the U.S. Environmental Protection Agency's (EPA) announcement in its December Action Initiated List (AIL) to amend the existing regulations under the Lead Renovation, Repair and Painting (LRRP) program by removing the current hands on training requirements for the EPA-approved certified renovator refresher course.¹ NAHB supports EPA's proposed action as a positive step toward helping NAHB members and other small businesses retain their EPA certifications by completing the refresher course prior to the deadline of July 1, 2015.² By removing the hands-on training component for the certified renovator refresher course the Agency will help facilitate wider adoption of an internet-based curriculum that will benefit small businesses like NAHB's membership.

NAHB is a Washington, D.C. based trade association representing over 140,000 member firms who design, construct, and supply single-family homes; build and manage apartment, condominium, multi-family, light commercial, and industrial structures; develop land; and remodel existing homes. Collectively, NAHB's members will construct about 80% of the new housing units projected for 2014. In

¹ U.S. Environmental Protection Agency's website Actions Initiated List (AIL) December 2013. Retrieved April 24, 2014, from <http://www2.epa.gov/laws-regulations/actions-initiated-month#jan14>.

² 40 C.F.R. §745.90(a)(4).

addition, 57% of NAHB's builder members and many of its associate members are involved in the remodeling industry. Furthermore, more than 95 percent of NAHB members meet the federal definition of a "small entity" as defined by the U.S. Small Business Administration. NAHB has been actively engaged in the EPA's lead-based paint program for the residential sector since its inception and has been an advocate and supporter of the required training completion for its members.

NAHB applauds EPA's initiative as an example of good public policy, consistent with numerous presidential and congressional directives to reduce the federal regulatory burdens upon small businesses, while still achieving the objectives of the LRRP rule's certification process for renovators, namely a fully trained and certified workforce. The Regulatory Flexibility Act (RFA) requires EPA and other federal agencies to analyze the economic impact of proposed regulations upon small businesses and to seek regulatory alternatives that will accomplish the agency's goals while minimizing the burden on small businesses.³ Similarly, presidential directives to minimize the burdens on small businesses contained in two executive orders, (E.O.) 12866, "*Regulatory Review Process*" and E.O. 13563, "*Regulatory Flexibility, Small Businesses, and Job Creation*," call upon EPA and other federal agencies to tailor their regulations to impose the least possible burden on society, while being consistent with the objectives of a given regulation.^{4,5} EPA's proposal to remove the hands-on training requirement from the renovator refresher course will benefit hundreds of thousands of individuals and small businesses. EPA's proposed action, if adopted in sufficient time prior to the Agency's July 1, 2015 re-certification deadline, will enable these individuals and small businesses to retain their current EPA certified renovator status by utilizing existing (and future) EPA accredited online training providers. This will avoid the added burden of lost wages and additional travel costs, which are inherent components of the current hands-on training requirement that necessitate NAHB members travel to a specific training location.

Finally, EPA's proposed action to remove the hands-on training requirement for the certified renovator refresher course is logical given the Agency's own projections of the significant number of individuals, upwards of 200,000, who will need to be re-certified prior to the LRRP's deadline. The LRRP rule requires all certified renovators to complete a refresher course every five years, with the first round of re-certifications required to be completed by July 1, 2015.⁶ Without the proposed amendment, it is highly probable that this first wave of individuals seeking re-certifications under the LRRP rule could experience many of the same shortages in finding EPA approved training providers located at specific physical training locations as they did for the initial training course. For example, in 2010, during the initial round of EPA certified renovator training, many NAHB members reported difficulties in finding training providers in their own communities. In

³ Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (codified at 5 U.S.C. §601).

⁴ Executive Order, 12866 (58 Fed. Reg. 51735, September 30, 1993).

⁵ Executive Order, 13563 (76 Fed. Reg. 3821, January 11, 2011).

⁶ 40 C.F.R. §745.90(a)(4).

many cases, NAHB members had to travel significant distances, in some instances to neighboring states to attend the required course to be able to meet the deadline. In addition, other NAHB members reported waiting list extending for several weeks. Responding to concerns raised by NAHB and Congress, EPA's Assistant Administrator for Office of Enforcement and Compliance Assurance (OECA) issued a memorandum delaying the enforcement of the LRRP rule's certification requirement for up to six months.⁷ In light of these past shortcomings, it is highly reasonable for the Agency to take the proposed action to enable broader adoption of internet training options for the certified renovator refresher course. Moreover, since certified renovators already possess a minimum of 5 years of on-the-job hands-on work experience in applying the LRRP rule's lead safe work practices, it is completely sensible for EPA to allow these individuals to use online training options to complete the rule's re-certification process.

NAHB is pleased with EPA's decision to address these concerns on its own accord and looks forward to the amendment that will remove the hands-on training requirement for the refresher course for renovators. NAHB would like to extend its support to help facilitate this change promptly in light of the upcoming recertification due dates. If you have any questions or if you would like to discuss this matter further, please call Tabby Waqar at (202) 266-8327.

Sincerely,



Michael E. Mittelholzer
Assistant Vice President
Environmental Policy
National Association of Home Builders

⁷ U.S. Environment Protection Agency. (2010) *Further Implementation Guidance for the Renovation, Repair, and Painting Rule*. Office of Enforcement and Compliance Assurance (OECA). June 10, 2010. Washington D.C.