

EPA Delays Enforcing Lead-Paint Removal Rule

By JIM MYERS World Washington Bureau
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WASHINGTON — U.S. Sen. Jim Inhofe declared victory Friday in his months-long effort to provide relief to home renovators and others still scrambling to meet a federal agency's certification rules on lead-paint removal.

"I am very happy right now," the Oklahoma Republican said. "We won." Inhofe based his comments on a memo apparently from the U.S. Environmental Protection Agency delaying enforcement of its own rule targeting work on homes built before 1978.

"Since the RRP (Renovation, Repair and Painting) Rule became effective on April 22, 2010, concerns have been raised by the regulated community regarding difficulties experienced in obtaining the rule required firm certification and renovation worker training," Assistant Administrator Cynthia Giles states in the memo provided by Senate staff. Giles explained that the agency will not take enforcement action for violations of the certification rule until Oct. 1.

Enforcement, she writes, also will be put off for renovation workers who have applied or enrolled in a class by Sept. 30 and who complete that training by Dec. 31. "In view of the paramount importance of ensuring that all contractors follow the lead-safe work practices in the RRP rule, EPA will continue to enforce the work practice requirements in the rule, which protect children and reduce lead exposure," the memo states. EPA's rule had its beginning several years ago.

Still, Inhofe and others believe EPA botched its implementation, specifically by not ensuring there would be enough classes for renovators and others who work on older homes to become certified. Fines for not complying could be as high as \$37,500 per day. In May, the U.S. Senate, in a bipartisan vote, passed legislation to block the fines temporarily.

"I am 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," said Inhofe, the top Republican on the Senate Environment and Public Works Committee. "EPA has finally recognized the extreme difficulty in obtaining firm certification and worker renovation training."

Sen. Susan Collins, R-Maine, who sponsored the May legislation, said efforts to rid lead-based paint from homes must continue. "Maine children are at particularly high risk for lead poisoning because more than 60 percent of our state's homes were built before lead-based paint was banned in 1978," Collins said. "I appreciate that the EPA recognizes that it must boost the number of certified trainers in each state and that small contractors need more time to comply with EPA's rule."

EPA's memo represents an about face, and the agency appeared to have been caught flatfooted by the senators' announcement. It could not provide a comment or respond to questions.

In earlier comments, the agency had stressed the dangers of lead, the number of American children still poisoned by lead-based paint, as well as the timeline for developing the rule and implementing it. Inhofe believes the agency agreed to the delay in enforcement after it became clear Congress would continue using its leverage on the matter.

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