

## **MEMORANDUM**

**SUBJECT:** Response to Comments for Lead-Based Paint Pre-Renovation Lead Education Rule – TSCA Section 406(b) Information Collection Request

**FROM:** Maria Doa, Division Director /s/  
National Program Chemicals Division

**TO:** Angela Hofmann, Director,  
Regulatory Coordination Staff

**DATE:** December 27, 2007

EPA published a notice in the Federal Register on June 13, 2007 requesting comments on the specific aspects of this ICR Lead-Based Paint Pre-Renovation Lead Education Rule (72 FR 32642) (FRL-8129-6). During the 60-day comment period, EPA received two identical comments from the same individual: Megan Booth on behalf of Charles A. Achilles, Vice President, Legislation and Research, Institute of Real Estate Management (IREM). Below is a brief summary of the comments made and our responses to them.

- Mr. Achilles stated that distributing the lead hazard information pamphlet prior to every renovation activity has become an extremely burdensome activity for owners and managers of multifamily properties. Mr. Achilles goes on to state that they have a low level of confidence in the contractors/renovators thus the Institute of Real Estate Management (IREM) owners have taken it upon themselves to distribute the pamphlets and obtain the necessary signatures, in order to ensure compliance. In addition, Mr. Achilles says that the costs are difficult to quantify, but could include hiring of property management staff, overtime hours and salary, and other costs. These costs are passed through to the tenant in the form of higher rents, thus driving up the costs to the tenant to reside in the property.

Since the costs alluded to by Mr. Achilles represent activities that clearly exceed the basic requirements of this regulation, EPA believes that these costs should not be included in the burden estimates for this ICR. For example, Mr. Achilles states that many owners and managers are not comfortable trusting their renovation contractors to perform the required disclosure and acknowledgment certification activities, so they provide the notifications and obtain the acknowledgments themselves. However, the building

manager has no obligation to provide notification if the only persons who disturb painted surfaces are employees of the renovation contractor. Thus, EPA believes that the burden and cost estimates are reasonable and has not changed the estimates

- Finally, Mr. Achilles expresses a concern that all of the activities associated with the pre-renovation lead information dissemination requirements actually result in very little, if any, meaningful risk reduction. It is Mr. Achilles' belief that the pamphlets tend to be ignored by tenants after one or two initial renovation activities and urges EPA to change the time period to an annual notification, and allow owners/agents to post signs reminding tenants of the dangers of lead paint exposure whenever work is done, but not require additional notification/signatures.

EPA appreciates the concerns expressed by Mr. Achilles, as well as the position taken by IREM. If regulatory amendments are evaluated in the future, EPA will consider an annual notification requirement if amendments to the regulations are undertaken in the future.