

## **Supporting Statement for a Request for OMB Review Under the Paperwork Reduction Act**

### **1. Identification of the Information Collection**

#### **1(a) Title of the Information Collection**

TITLE: Final Rule Addendum to an Existing EPA ICR Entitled: TSCA Sections 402/404  
Training and Certification, Accreditation, and Standards for Lead-Based Paint Activities

ICR No. EPA ICR No. 1715.10; OMB 2070-0155

#### **1(b) Short Characterization/Abstract**

The following information collection request (ICR) addendum covers reporting and recordkeeping requirements for individuals and firms conducting renovations in target housing, which is most housing constructed before 1978, and child-occupied facilities, which are pre-1978 residential, public, or commercial buildings where children under 6 are regularly present. These rules are promulgated under the authority of Sections 402, 404, and 407 of the Toxic Substances Control Act (TSCA). This ICR addendum revises the existing approved ICR to incorporate reporting and recordkeeping requirements established in the final Lead Renovation, Repair and Painting Program rule.

Section 402(a) of TSCA requires EPA to develop and administer a training and certification program as well as work practice standards for persons who perform lead-based paint activities. The current regulations in 40 CFR part 745, subpart L, cover inspections, lead hazard screens, risk assessments, and abatement activities in target housing, which is most pre-1978 housing, and child-occupied facilities. Section 402(c)(3) of TSCA directs EPA to revise its regulations under TSCA Section 402(a) to apply to renovation and remodeling activities, basing its decisions on a study of hazards created by renovation and remodeling activities and on consultation with interested stakeholders.

On January 11, 2006, EPA proposed regulations covering renovations in target housing. On June 5, 2007, EPA published a supplemental notice proposing to extend the requirements of the 2006 proposal to renovations in child-occupied facilities. TSCA Section 401 defines target housing as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless any child under age 6 resides or is expected to reside in such housing) or any 0-bedroom dwelling. This final rule defines a child-occupied facility as a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. In public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under 6, such as restrooms and cafeterias. Common areas that children under 6 only pass through, such as hallways, stairways, and garages are not included. In addition, for public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under 6.

Like the regulations under Section 402(a) of TSCA, the regulations pertaining to renovation projects under Section 402(c)(3) of TSCA require reporting and/or recordkeeping from three entities: firms engaged in renovations in target housing and child-occupied facilities; training providers; and States/Territories/Tribes/Alaskan Native Villages (hereafter, the term "States" includes Territories, Tribes

and Villages). The following sections provide a general overview of the reporting and recordkeeping requirements for each entity, discussed in more detail in section 4(b).

**Firms.** Firms that wish to engage in renovations in target housing or child-occupied facilities must obtain certification from EPA/States. This includes firms consisting only of one self-employed individual. To receive certification, a firm must submit a letter to EPA/States certifying that it will employ certified renovators and conduct renovations in target housing in accordance with the work practice standards. Firms must re-certify every five years. The rule also requires firms to develop and retain records of the renovation activities they undertake to demonstrate compliance with standards and provide a written record for future reference. In addition, for renovations in child-occupied facilities located in public or commercial buildings, the rule requires firms to provide the building owner and adult representative of the child-occupied facility with a lead hazard information pamphlet. After providing the pamphlet to the owner and occupant and obtaining written acknowledgment, the firm must keep acknowledgment records on file for three years after completion of work. Renovation firms must also either (i) provide the lead hazard information pamphlet and general information on the renovation to parents or guardians of children under age 6 using the facility, or (ii) erect signs that provide general information on the renovation accompanied by the pamphlet or information on how to obtain a copy of it. (Existing regulations require the distribution of a lead hazard information pamphlet, and the associated recordkeeping, before renovations in all target housing. This burden is reflected in EPA ICR No. 1669, *Lead-Based Paint Pre-Renovation Information Dissemination – TSCA Sec. 406(b)*, and is approved under OMB Control No. 2070-0158.) The reporting and recordkeeping requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections. The Agency believes that the distribution of the pamphlet will help to further reduce exposures that can cause serious lead poisonings in children under age six, who are particularly susceptible to the hazards of lead.

**Training providers.** Training programs seeking to offer training for renovators or dust sampling technicians must obtain EPA/State accreditation. In order for EPA/States to have the information necessary to evaluate and accredit the training programs, training providers must prepare and submit application packages. Training programs also must maintain records related to their students and training personnel qualifications. Training programs are required to notify the Agency 1) prior to providing training courses, and 2) following completion of training courses. Training programs must apply for re-accreditation every four years. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections.

**States.** The final rule provides for the authorization of States to administer and enforce programs addressing training, certification, accreditation, and standards for renovations in target housing and child-occupied facilities. The rule will also continue to allow States to administer and enforce programs addressing the distribution of lead hazard information before renovation activities commence. Under TSCA Section 404, EPA must review and assess State submissions to determine whether authorization is warranted. A State seeking authorization must provide information to EPA so the Agency may determine whether its program is at least as protective of human health and the environment as the Federal program and whether it provides adequate enforcement. Authorized States are required to provide a report to EPA on their activities.

In addition to these new requirements for renovations in target housing and child-occupied facilities, EPA amended the Pre-Renovation Education Rule to require that persons performing renovations in target housing or child-occupied facilities provide a new, renovation-specific pamphlet to the owners and occupants of the buildings being renovated. A State seeking authorization for a pre-renovation education program must require the use of either the EPA-developed renovation pamphlet or a

comparable pamphlet developed by the State. States with existing authorization to administer the Pre-Renovation Education Rule program in their jurisdictions have been given time to amend their programs to incorporate an approved renovation-specific pamphlet as well as the new requirements for information distribution associated with renovations in child-occupied facilities located in public or commercial buildings.

## **2. Need for and Use of the Collection**

### **2(a) Need/Authority for the Collection**

Under Section 402(a)(1) of TSCA, the Agency must “...promulgate final regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. Such regulations shall contain standards for performing lead-based paint activities, taking into account reliability, effectiveness and safety.”

Section 402(a)(2) states that “Final regulations promulgated under [section 402(a)] paragraph (1) shall contain specific requirements for the accreditation of ... training programs ... including, but not limited to:

- Minimum requirements for the accreditation of training providers;
- Minimum training curricula requirements;
- Minimum training hour requirements;
- Minimum hands-on training requirements;
- Minimum training competency and proficiency requirements;
- Minimum requirements for training program quality.”

Section 402(c)(3) directs EPA to revise its regulations under TSCA Section 402(a) to apply to renovation and remodeling activities that create lead-based paint hazards.

Section 404(a) of TSCA states that “[a]ny State which seeks to administer and enforce the standards, regulations, or other requirements established under Section 402 may...develop and submit to the Administrator an application, in such form as the Administrator shall require, for authorization of such a State program.” The Agency shall approve such an application, if it finds that “...the State program is at least as protective of human health and the environment as the Federal program under section 402...and such State program provides adequate enforcement.” The statute also requires the Agency to implement the program in States that do not receive authorization.

Section 407 of TSCA states that regulations shall include such recordkeeping and reporting requirements as may be necessary to ensure effective implementation.

The Agency’s amendments to the regulations issued under Sections 402(a), 402(c)(3), 404, and 407 fulfill these statutory mandates.

## **2(b) Practical Utility/Users of the Data**

### Public or Commercial Building Owners, Child-occupied Facility Operators, and Parents/Guardians

The owner of a public or commercial building containing a child-occupied facility must be provided with a lead hazard information pamphlet before any renovation in the child-occupied facility commences. In addition, if the child-occupied facility is not operated by the owner of the building, an adult representative of the child-occupied facility must also be provided with a lead hazard information pamphlet. Parents and guardians of children under age 6 using child-occupied facilities must be provided with general information on the renovation as well as the pamphlet, or information on how to obtain a copy of the pamphlet. Information contained in this pamphlet may be used by homeowners, public or commercial building owners, child-occupied facility operators, and parents or guardians to take appropriate precautions to minimize the exposure of children under age six to lead-based paint hazards created by renovations. Parents and guardians may also use general information about the renovation for the purpose of minimizing the exposure of their children under age six to lead-based paint hazards created by renovations.

### EPA

This information collection will provide EPA with the materials necessary to authorize State renovation programs and to serve as the accrediting and certifying body in States without authorized programs, discussed further below.

### EPA/States

This collection will enable EPA/States to determine compliance with and enforce the requirements for renovation-specific training, certification, accreditation, and work practice standards. Without this collection, there would be no meaningful way of ensuring the implementation of the statutory objective: to ensure that trained individuals conduct renovations in such a way as to minimize potential harm to occupants. The rule provides flexibility for individuals conducting renovations, by relying on guidance and training to help renovators determine the best approaches to minimizing exposure to lead-based paint hazards created during renovation activities. The Agency believes this is the best method for accommodating a variety of renovation projects and site-specific conditions.

It is the nature of certification and accreditation that an entity seeking such must provide materials to the certifying or accrediting body. The materials the Agency/State requires for these activities are central to the activity. In addition, EPA will be relying on training provider notifications to keep track of which individuals have received accredited renovator training. This information, which includes a digital photograph of each trainee, will be a critical part of EPA's efforts to ensure that renovators or dust sampling technicians engaged in renovations covered by the rule have received the training required by the rule and that the persons bearing course completion certificates are, in fact, the persons who successfully completed the training.

It is also important to note that the re-accreditation requirements for training programs are meant to ensure that training programs incorporate new developments and technologies in their courses and that individuals receive training in them. The Agency believes this will ensure that individuals and firms conduct renovation activities in the safest and most effective manner possible.

The records renovation firms would have to compile and retain are necessary as a reference for building owners/occupants, EPA or authorized entities. The records would demonstrate that individuals conducting the activities do so in a safe and effective manner, according to the minimum work practice

standards established by the rule. These recordkeeping requirements are also necessary to permit the Agency to target its enforcement activities and to ensure compliance within the contracting and training community.

### **3. Nonduplication, Consultations, and Other Collection Criteria**

#### **3(a) Nonduplication**

The Agency's collection pursuant to the TSCA 402/404/407 regulations does not duplicate any other collection. There is no other model program for lead-based paint activities and renovations, or associated State program approval process, and there are currently no other Federal requirements for the training and certification of individuals engaged in these activities, for the accreditation of training programs, required standards for the conduct of these activities, or lead hazard information distribution requirements for renovations in child-occupied facilities.

#### **3(b) Public Notice Required Prior to ICR Submission to OMB**

The Notice of Proposed Rulemaking (January 10, 2006; 71 FR 1588) and the Supplemental Notice of Proposed Rulemaking (June 5, 2007; 72 FR 31022) served as the public notice for this Final Rule ICR addendum.

#### **3(c) Consultations and Public Comments**

During the development of this final rule, the Agency has consulted with a broad range of interested parties, including States, training providers, renovation contractors, and advocacy groups. More information on EPA's consultations with stakeholders can be found in the preamble to the 2006 proposal and the preamble to the supplemental notice. Summaries and transcripts of meetings with stakeholders can be found in the rulemaking docket (EPA-HQ-OPPT-2005-0049).

As a result of the publication of the 2006 proposal, EPA received several comments on the ICR addendum. The comments are summarized below, along with EPA's responses:

One commenter questioned why the ICR estimated a non-zero number of training providers receiving accreditation and re-accreditation in Years 2 and 3 of the time period covered by the ICR, given that accreditation is valid for three years and will not expire until Year 4. Similarly, the commenter questions the ICR estimates of the number of renovation, repair, and painting firms receiving certification and re-certification in Years 2 and 3, given that certification is valid for three years.

There are several causes for the results in the ICR. Starting with initial accreditations and initial certifications, there are two reasons there are non-zero numbers in Years 2 and 3 even though the accreditations and certifications are valid for three years. First, the proposed rule was phased in, and the scope expanded from pre-1960 buildings in Year 1 to pre-1978 buildings in Year 2. The increase in the scope of the rule in Year 2 was assumed to result in an increase in the number of accredited training providers and certified renovation, repair, and painting firms. These additional training providers and renovation firms were assumed to become accredited or certified in Year 2. Second, the analysis accounts for turnover in the renovation industry by assuming a certain percentage of individuals, firms, and training providers leave the industry each year. They are replaced by new individuals, firms, and training providers who require initial training, certification, or accreditation even in Years 2 and 3.

Turning to re-accreditations and re-certifications, the non-zero numbers in Years 2 and 3 are due to a simplifying assumption in the analysis that one third of relevant firms will receive re-accreditation or re-certification each year. Although the ICR only covers the first three years of the program, the

Economic Analysis covered the first 50 years, and the simplifying assumption was important for that analysis. The ICR used the same assumptions in order to conform to with the Economic Analysis. The calculations for training and certification were described in detail in section 4.5.3 of the Economic Analysis for the proposed rule:

In the second year, this analysis makes the simplifying assumption that one third of the number trained and certified in the first year seek initial- or re-certification.<sup>1</sup> In addition, the stock of individuals and firms required to meet the additional demand in the newly regulated housing stock obtain initial training and certification (1960-1978 and renter-occupied target housing units and owner-occupied target housing units where a child under the age of six resides for Options B and D, and 1950-1978 and renter-occupied target housing units and owner-occupied target housing units where a child under the age of six resides for Option C). In later years, it is assumed that one third of the necessary stock of individuals and firms will obtain training and certification each year (since refresher-training and re-certification is required every three years).

As indicated above, this analysis assumes a steady annual number of firm and individual certifications after the second year of regulation.<sup>2</sup> If all the individuals and firms needed to meet the demand for lead-safe RRP were trained and certified in the first and second years, one might expect a drop in the level of training and certification in the third year, followed by a spike in the next year. That is, one might expect a cyclical pattern of training and certification to emerge. However, it is difficult to predict how cyclical training and certification demand might be, or how this cyclicity might diminish over time. Therefore, this analysis assumes that a typical amount of training and certification occurs each year after the first two years because modeling a cyclical component would add little to the analysis without being able to estimate the extent of any cyclicity more precisely.

This analysis accounts for turnover in the regulated RRP industry by assuming a certain percentage of certifications each year are initial certifications. Specifically, after the first year, 52 percent of the renovators seeking training and certification are assumed to be seeking their initial certification; this is based on the relative number of Abatement Supervisors applying for certifications according to the Federal Lead-Based Paint Program (FLPP) database (EPA 2005). Similarly, 54 percent of firms seeking certification are assumed to be seeking their initial certification based on the relative frequency of initial certifications observed for abatement firms in the FLPP database.

Thus, the values in the ICR are reasonable and appropriate, although the simplifying assumptions used in the analysis will tend to slightly overestimate the burden of the rule (since in real life firms and training providers are likely to wait until their certification or accreditation is expiring to become re-certified or re-accredited).

Another commenter states that the notice for the ICR is defective because it is not published properly in the Federal Register, since neither the title nor the description of the action would alert a reader that the notice also proposed a collection of information. Although the Paperwork Reduction Act (PRA) allows for publication of an ICR along with a proposed rule, such simultaneous publication does not relax the PRA notice content requirements. In particular, the Agency must solicit comments on whether the information collection is necessary for the proper functioning of the Agency, and whether the collection has practical utility.

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<sup>1</sup> ? Adjusted for by 0.41 percent to reflect the decline in the pre-1978 housing stock.

<sup>2</sup> ? The number of certifications is assumed to decline by 0.41 percent to reflect the decline in the pre-1978 housing stock.

EPA in fact has complied with the procedural requirements at 5 CFR 1320.11 for providing public notice regarding the ICR, and did solicit comments on whether the information collection is necessary for the proper functioning of the Agency, and whether the collection has practical utility. It is standard Agency policy to request comment on an ICR in the same Federal Register notice as a proposed rule. And as the commenter notes, this is allowed by the PRA. The fact that this commenter (and a number of other commenters) read the Federal Register notice, saw the request for comments on the ICR (71 FR 1622), and submitted comments on the ICR, is *prima facie* evidence that EPA provided proper public notification. Therefore, the commenter's complaint is baseless and without merit.

The same commenter states that the ICR exceeds the regulatory justification. For example, the "Draft Recordkeeping Checklist for Firms" asks, among other things, how the waste was handled, how various surfaces were cleaned, and what tasks were performed by trained renovators. According to the commenter, these topics are beyond the reach of the rule. According to the commenter, "the NPRM either [*sic*] mandates nor prohibits any particular work practices for the remodeling itself, nor does it require that certain tasks be done by particular people . . . An extensive narration would contribute nothing more to compliance or enforcement than would checking a box certifying that the required procedures had been followed. The narrative request has no practical utility for this rule."

The commenter's claim that topics such as how the waste was handled, how various surfaces were cleaned, and what tasks were performed by trained renovators are beyond the reach of the rule is incorrect. These topics are all explicitly covered by the rule. The handling of waste from renovations is discussed at §745.85(a)(3), cleaning of surfaces is addressed at §745.85(a)(4), and the tasks that must be performed by trained renovators are discussed at §745.90(b). Contrary to the commenter's claim, the rule both mandates particular work practices (discussed at §745.85 - "Work practice standards") and requires that certain tasks be performed by particular people (described at §745.90(b) - "Renovator responsibilities").

EPA agrees that the recordkeeping requirements in the 2006 Proposal were less defined than they could have been, and that the draft recordkeeping checklist—with a number of narratives—was had the potential for taking more time to complete than EPA intended. In response to these commenters, EPA has revised that draft recordkeeping checklist to be more in the nature of a checklist, with a certification that the representations on the form are true and correct. Narrative information is still required where necessary, such as an identification of the brand of test kits used, the locations where they were used, and the results. EPA has also revised the regulatory text to describe the specific information that must be provided and the specific items for which a certification of compliance is required. The regulatory text at 40 CFR § 745.86(b)(7) now contains a list of work practice elements that must be certified as having been performed. EPA believes that a certification of compliance with specific work practices as well as a narrative description of test kits usage and cleaning verification results is an important tool for ensuring compliance, as it serves as a reminder to the renovator of the work practices that must be followed in the renovation. EPA also believes that this has value as an enforcement tool. For these reasons, the information collection requirements in the rule have practical utility.

This commenter states that the recordkeeping requirements of the rule are excessive. According to the commenter, "examination of the proposed text for §745.86 reveals a repetition of many of the recordkeeping 'suggestions' on the Draft Checklist. None of the requirements of proposed §745.86(b)(7) about waste handling or cleanup is relevant to the substantive requirements of the rule: get training, and test for dust. Some are even more egregious than the checklist would imply. For example, the 'Draft Recordkeeping Checklist' merely asks whether the requisite training certificates are on file; the proposed text would have a copy included with the records of each and every remodeling job." The commenter goes on to argue that "[t]here is no practical utility in requiring the Remodelor to keep 500 or more copies of the same certificate for the same employee to cover three years of work." Finally, the commenter contends that "[t]he proposed rule text recites an elaborate description of the way in which the Remodelor

must catalogue the performance of each task of remodeling, cleaning, waste-handling, certification, and even the posting of signs. There is no practical utility to such detail, in the context of the substantive requirements of the rule. Whatever small use these extensive records may have is far outweighed by the expense of applying all that red tape.”

EPA disagrees that the recordkeeping requirements of the rule are excessive. EPA is pleased that the commenter’s examination EPA’s draft checklist revealed a repetition of the requirements of §745.86. Since EPA developed the suggested checklist as one possible way for renovators to comply with the requirements of §745.86, EPA would have been concerned had the commenter found any discrepancy between the two. However, as the commenter notes, use of the particular checklist that EPA has developed is not mandatory, and renovators may find that they prefer an alternate method of complying with the requirements of §745.86. While §745.86 does require documentation of compliance with various activities, EPA disagrees that the documentation requirements, as revised for the final RRP rule, are elaborate. Indeed, since the documentation requirements can be fulfilled though the use of EPA’s suggested one-page checklist (which EPA estimates can be completed in an average of 5 minutes), EPA believes that the recordkeeping requirements are relatively simple.

Since §745.85 contains work practice standards for both cleanup and waste hauling, the recordkeeping requirements in §745.86(b)(7) related to these activities are indeed relevant. And the commenter is mistaken, as the rule does not require a copy of the requisite training certificate(s) to be included with the records of each and every remodeling job. Instead, the training certificates are merely required to be on file.

EPA disagrees that the recordkeeping requirements are extensive or overly expensive. EPA believes that the recordkeeping requirements do have practical utility in the context of the substantive requirements of the rule.

The same commenter states that if EPA wants to know where a certified Remodelor has worked, it does not need to require additional records; the Remodelor will already be keeping records for tax and other legal reasons. Those records should be sufficient to show the Remodelor’s activities, and additional forms containing the same location information would be duplicative.

The rule requires more information than where a certified renovator has worked. EPA does not believe that existing records provide such information as such as the test kits used, the sampling locations, and the results; whether plastic containment barriers were set up; and whether work area surfaces and objects were cleaned using HEPA vacuum and/or wet cloths or mops. If current records do provide all of the necessary information, then the EPA checklist does not have to be completed. If current records do not provide this information, then the fact that records are already being kept for tax and other legal reasons means that the incremental burden to keep a copy of the one-page checklist is small. Therefore, the recordkeeping requirements of the rule are neither unduly burdensome or duplicative of existing records.

This commenter claims that the rule results in immense paperwork burdens that require careful analysis for effectiveness and alternatives. According to the commenter, the supporting materials for the ICR estimate the total agency and respondent cost to average approximately \$75 million per year for the first three years, or \$225 million over that period. “It would cost remodeling firms nearly \$120 million over that period. From the second year of the program forward, recordkeeping costs alone exceed \$34 million, which is which 88 percent (or 7/8) of the remodeling firms’ costs for the rule. When seven dollars out of every eight are going just to shuffle paper, a rule is ripe for application of the PRA.”

The commenter appears to have concluded that recordkeeping costs are 88 percent of the cost of the rule by looking solely at the ICR. This would result in an inaccurate conclusion, since the ICR deals only with information collection burden and costs. EPA’s economic analysis estimated the cost for the



proposed rule at \$492 million per year. Thus, a recordkeeping cost of \$34 million per year would represent only 7% of the total cost of the rule. EPA disagrees that this represents an immense paperwork burden, but notes that it has complied with the requirements of the Paperwork Reduction Act.

Another commenter stated that the rule proposes a requirement that signed and dated records be kept describing the work practices, sign posting procedures and containment and cleaning methods utilized for every job. The commenter argues that this requirement would be far more time-consuming than the five hours per year that EPA estimates. According to the commenter, “[t]his proposed revision would require the development and maintenance of paper filing systems, which would require floor space and time to establish. For security purposes this would most likely mean contracting for an off-site record storage company to keep and maintain these files. Obtaining signatures on documents is a time-consuming process, as well. For even small- to medium-sized property managers and realtors with small property management portfolios, this provision would quickly take up an immense amount of time and other resources far beyond the five hours.”

EPA disagrees with the commenter. EPA believes that firms already maintain paper filing systems. EPA notes that in other comments provided by the same commenter, it stated that many states require that home repair contractors warranty their work for up to 8 years. For tax purposes, warranty purposes, and other reasons, EPA believes that firms already maintain paper filing systems, so that they would not need to develop new ones in response to this requirement. Given that the paperwork provisions the commenter is addressing can be fulfilled through the use of EPA’s 1-page checklist, EPA believes that the impact on floor space would be trivial, compared to the existing paperwork that the firm already keeps. The commenter provided no information that firms typically contract with off-site record storage companies for the records they currently keep (for tax, warranty, and other purposes). EPA does not believe that the modest additional paperwork requirements would cause firms to begin utilizing such services. To the extent that firms already use such services, the impact of the 1-page checklist will be trivial. The signature required on the form is the certified renovator’s. EPA disagrees that signing the form is a time-consuming process. EPA believes that its estimate of five hours of time per year for this paperwork is reasonable.

### **3(d) Effects of Less Frequent Collection**

Due to the nature of this regulation and its collection, less frequent collection is not feasible. In particular, each firm must obtain certification and re-certification, each training program must obtain accreditation and re-accreditation as well as provide specific notification and documentation prior to commencement and upon completion of each course, and each renovation activity is a separate and unique event requiring the distribution of lead hazard information and specific documentation. Program approval for States is a one-time activity, although there is ongoing reporting.

### **3(e) General Guidelines**

This ICR is consistent with OMB’s general guidelines. The Agency is requiring that firms maintain records for three years. Authorized States report once a year for the first three years of authorization, and biannually thereafter.

EPA is applying the current recordkeeping requirements for lead-based paint activities training providers to training providers that wish to offer renovator or dust sampling technician courses. This recordkeeping requirement is three and one-half years. This is due to the interim certification period of six months following an individual completing lead-based paint activities training, which allows the individual time to apply to EPA/States to receive official certification. At such time, the individual remains certified for three years before he or she must obtain refresher training and re-certification. EPA wishes training providers to maintain records on a particular student for as long as the individual is certified following training, so three and one-half years is an appropriate period for the retention of such

records. It is likely that most training providers that seek accreditation to offer renovator or dust sampling technician courses will already be accredited to offer lead-based paint activities courses. The Agency believes that a single recordkeeping period for these providers will be simpler and easier to administer.

### **3(f) Confidentiality**

Neither the existing regulations nor the final rule amendments address questions of a confidential nature.

### **3(g) Sensitive Questions**

Neither the existing regulations nor the final rule amendments address questions of a sensitive nature. Further, this information collection activity complies with the provisions of the Privacy Act of 1974. Any personal information, including digital photographs, will be managed in the "Lead Paint System of Record," a Privacy Act System of Record (see 70 FR 35251).

## **4. The Respondents and the Information Requested**

### **4(a) Respondents/NAICS Codes/SIC Codes**

Respondents to the existing lead-based paint activities rule include: 1) firms and individuals engaged in lead-based paint activities, 2) training programs providing training services in lead-based paint activities, and 3) State programs. Respondents for the reporting and recordkeeping requirements of this final rule include: 1) firms and individuals engaged in residential renovations, 2) firms and individuals engaged in renovations in child-occupied facilities, 3) training programs providing training services in lead-based paint activities and renovations, and 4) State programs. The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements covered in the existing ICR and this final rule-related addendum are described below:

236118 Residential Remodelers  
238210 Electrical Contractors  
238220 Plumbing, Heating, and Air-Conditioning Contractors  
238320 Painting and Wall Covering Contractors  
238350 Finish Carpentry Contractors  
238310 Drywall and Insulation Contractors  
238170 Siding Contractors  
238340 Tile and Terrazzo Contractors  
238150 Glass and Glazing Contractors  
238390 Other Building Finishing Contractors  
238290 Other Building Equipment Contractors  
531110 Lessors of Residential Buildings and Dwellings  
531311 Residential Property Managers  
541330 Engineering Services  
541350 Building Inspection Services  
611110 Elementary and Secondary Schools  
611519 Other Technical and Trade Schools  
624410 Child Day Care Services

### **4(b) Information Requested**

The existing lead-based paint activities regulations specify reporting and record keeping for training providers and individuals/firms undertaking lead-based paint abatement activities. The final rule adds reporting and record keeping for individuals/firms undertaking renovations in target housing and child-occupied facilities.

#### **(i) Data Items**

##### States

In order to obtain authorization from EPA to administer and enforce a program under section 404, States must prepare:

- A notice of intent to seek authorization; and
- An application for authorization identifying the agencies responsible for implementation, administration, and enforcement of the program, and a description of the authority and responsibilities vested in such agencies.

States that receive authorization for lead-based paint activities programs under the existing rule and/or renovation programs under the proposed rule must submit to EPA a report summarizing implementation and enforcement activities, including a list of enforcement actions taken and any changes in content, administration, or enforcement of the State program.

##### Training Providers

To receive accreditation to provide lead-based paint activities courses under the existing regulations or renovator or dust sampling technician courses under the final rule, training providers must submit the following documents to EPA/State, using either EPA Form 8500-25 entitled "Accreditation Application for Training Programs" or a similar form containing the required information:

- An accreditation statement that clearly indicates how the training program meets the minimum requirements for accreditation; and
- A quality control plan, which outlines procedures for periodic revision of training materials and exams, annual review of instructors, and adequacy of the training facilities.

Before giving a lead-based paint activity training course or a renovator or dust sampling technician course, training providers must provide notification to the Agency, using either the sample form entitled "Lead-Based Paint Training Course Schedule" or a similar form containing the required information. Training providers may provide electronic submissions using the Agency's secure, internet-based Central Data Exchange (CDX). (The paperwork activities, and related burden and costs, associated with CDX user registration are described in another ICR that is currently approved by OMB under OMB Control No. 2025-0003.) The initial notice must include the following:

- Notification type (Original, Updated, Cancellation);
- Training program name, EPA accreditation number, address, and phone number;
- Course discipline, type (initial/refreshers), and the language in which instruction will be given;
- Date(s) and time(s) of training;
- Training location(s) phone number, and street address;
- Principal instructor's name; and
- Training manager's name and signature.

Training providers must update the Agency regarding any changes to training dates, course locations, course cancellations, or other changes made to the original notice.

Following completion of lead-based paint activities, renovator, or dust sampling technician courses, training providers must provide notice using either the sample form, entitled “Lead-Based Paint Training Course Follow-Up” or a similar form containing the required information. Training providers may provide electronic submissions using the Agency’s CDX. The notice must include the following:

- Training program name, EPA accreditation number, address, and phone number;
- Course discipline and type (initial/refresher);
- Date(s) of training;
- The following information for each student who took the course:
  - o Name
  - o Address
  - o Date of birth
  - o Course completion certificate number
  - o Student test score
  - o Training manager’s name and signature

In addition, for renovator and dust sampling technician courses, the training course provider must take a digital photograph of each trainee and submit it to EPA along with its training course follow-up information.

Training course providers must maintain the following records:

- Records demonstrating the qualifications of the training manager and the principal instructor(s);
- Current curriculum and course materials;
- Course test blueprints;
- Information on how hands-on assessments are conducted;
- Quality control plan;
- Results of students’ hands-on assessments and course test;
- Record of each student’s course completion certificate.

### Firms

To obtain certification to conduct renovation, repair, and/or painting activities involving lead-based paint under this final rule, firms must submit specific materials to EPA/State, using either the sample EPA Form 8500-27R entitled “Application for Firms to Conduct Renovations” or a similar form containing the required information:

- List of current permits, licenses, certifications, or registrations in the lead-based paint field held by the firm;
- Explanation of any violations related to lead-based paint;
- Certification statement that the firm will employ only properly certified or trained individuals and that its employees will follow the specified work practice standards.

On occasion, firms may later amend their application to add or modify information. Certified firms must apply for re-certification every five years.

Firms performing renovations in target housing and child-occupied facilities in public or commercial buildings must provide lead hazard information pamphlets to property owners and tenants or

child-occupied facility representatives. Firms must also either (i) provide the pamphlet and general information on the renovation to parents or guardians of children under age 6 using the facility, or (ii) erect signs that provide general information on the renovation accompanied by the pamphlet or information on how to obtain a copy. Firms must prepare and maintain documentation providing proof that pamphlets were provided to building owners and child-occupied facility representatives, or that an attempt was made to provide the pamphlets. Examples of such documentation include signed acknowledgment forms, self-certifications for failed deliveries, and postal receipts for mailings. Firms must also document their activities with respect to the notification of parents and guardians of child-occupied facilities. For example, the firm could prepare a signed, dated description of the notification activities performed in connection with a particular renovation.

In addition, firms conducting renovations would be required to maintain records demonstrating compliance with the final rule requirements for using certified renovators and properly trained workers, posting signs, containing the renovation work area, cleaning the renovation work area, and performing a post-renovation cleaning verification or dust clearance testing after the renovation activity has been completed.

### **(ii) Respondent Activities**

The proposed rule specifies reporting and recordkeeping for authorized States, training providers, and individuals and firms undertaking renovations. The rule does not require specific forms or applications for submissions.

States seeking authorization for a renovation program will perform the following activities:

- Read the regulations;
- Compare any existing State program requirements to the minimum requirements of the Federal regulation;
- Develop and adopt new legislation as necessary;
- Develop and promulgate new regulations as necessary;
- Publish a notice of intent to seek authorization and provide an opportunity for public hearing;
- Prepare and submit to EPA an application for program approval;
- Maintain program application availability for public inspection for up to one year after submission; and
- Submit an annual report to EPA.

Training providers seeking accreditation for renovator or dust sampling technician courses will perform the following activities:

- Read the regulations;
- Prepare and submit an accreditation application to the accrediting entity;
- Submit an initial and, if needed, amended notification of courses to be given;
- Provide notice of completion of all courses offered;
- Retain records; and
- Provide accrediting entity access to records as requested.

Firms perform the following activities:

- Read the regulations;
- Submit applications for certification;
- Provide lead hazard information pamphlets to building owners and child-occupied facility operators and make them available to parents/guardians; and

- Prepare and retain records.

## 5. **Agency Activities, Collection Methodology, and Information Management**

### **5(a) Agency Activities**

EPA will perform the following activities in response to the submittals required by this rule:

- Receive, review, and act on applications for authorization from States;
- Receive, review, and file reports from authorized States;
- Receive, review, and act on applications for accreditation from training providers;
- Receive, review, and file initial, update, and course completion notices and digital photographs of trainees from training providers; and
- Receive, review, and act on applications for certification from renovation firms.

### **5(b) Collection Methodology and Management**

For purposes of this rule, the Agency will make use of existing technology to simplify the application and notification process where possible. In addition to the more traditional methods (mail, commercial delivery service, or hand delivery), the Agency would accept fax and e-mail course notifications from training providers as well as notifications through the Central Data Exchange (CDX). E-mail notification would have to be followed by a written notification for the record, but the original e-mail notice would satisfy the applicable notification time requirements. In addition, firms may use CDX to apply for certification and re-certification.

### **5(c) Small Entity Flexibility**

EPA has attempted to ensure that its proposed regulatory requirements do not unduly burden small businesses. As part of the development process for the rule, the Agency convened a Small Business Advocacy Review Panel under the Regulatory Flexibility Act. More information on the Panel, and the Agency's assessment of the impacts on small businesses, can be found in the preamble to the final rule.

### **5(d) Collection Schedule**

For authorization, certification, and accreditation, collection activities will occur according to the following schedule:

- States/Tribes may submit an application for program authorization at any time;
- Training programs may apply to become accredited at any time;
- Training programs must seek re-accreditation at four-year intervals following initial accreditation;
- Firms may apply for certification at any time;
- Firms must seek re-certification at five-year intervals following initial certification.
- Firms must provide building owners and COF representatives with the renovation-specific pamphlet no more than 60 days prior to beginning a renovation project.

The Agency believes that receipt of notification 7 business days prior to conducting training courses is necessary to facilitate the inspection of training locations. The regulation also includes provisions for updating the original notification. The Agency determined that the time periods for initial notification will also apply to a change in course location, or if the course is to be presented earlier than described in the original notification. Other changes, including cancellation of courses, need only be received by the Agency at least 2 business days before a training course is scheduled to begin. Such notification periods are appropriate to allow proper allocation of EPA compliance monitoring and enforcement resources, and

to prevent the arrival of Agency personnel at the wrong location or time.

## 6. Estimating The Burden And Cost

This section estimates the incremental burden of reporting and recordkeeping for the renovation requirements under TSCA section 402(c)(3). This burden is incremental to the burden already accounted for in the existing, approved ICR. The estimates of the number of entities subject to the rule's requirements were taken from the *Economic Analysis for the TSCA Lead Renovation, Repair and Painting Program, Final Rule for Target Housing and Child-Occupied Facilities*, also referred to as the Economic Analysis for the Final Rule (EPA 2008). This supporting statement provides burden and cost estimates for the first three years of the program. All costs are presented in year 2005 dollars.

Sections 6(a) and 6(b) estimate the respondents' paperwork burdens and costs, respectively. Section 6(c) estimates EPA costs, section 6(d) summarizes the bottom line burden and costs, section 6(e) describes the reasons for changes in burden from the previous ICR, and section 6(f) presents the burden statement.

### 6(a) Estimating Respondent Burden

Two types of respondents will be affected by this information collection request: training providers and entities performing renovation, repair, and painting activities.<sup>3</sup> The paperwork burden associated with reporting and recordkeeping for these two types of respondents is estimated separately. The reporting estimates include the time associated with reviewing instructions, collecting the information needed to complete the notification form, and completing and sending the notification forms to the appropriate authority. The recordkeeping burden estimates include the time required for the respondent to file a record of the information.

#### Training Providers

To comply with the Renovation, Repair, and Painting rule, training providers must gain accreditation and keep records on both the courses they provide and the students they train. They must notify EPA both before offering each course (to facilitate EPA's enforcement activities) and after each course (so EPA has a record of the individuals who have completed the course).

It is assumed that 168 training providers, the approximate number currently accredited to provide lead abatement training, will be accredited to provide lead RRP training. As described in Section 2.9.1 of the Economic Analysis for the Final Rule, 94 percent of firms in the Other Technical and Trade Schools industry category are small businesses (EPA 2008). Therefore, it is assumed that 94 percent of the 168 training providers, or 158, are small. It is assumed that Training Providers will spend eight hours<sup>4</sup> familiarizing themselves with the rule and determining the rule's applicability to their services in the year that they receive initial accreditation. Training Providers will spend an additional four hours of professional time and two hours of clerical time completing the accreditation statement in the year they receive initial accreditation, and every three years thereafter for re-accreditation. They will spend one additional hour of clerical time each year on annual recordkeeping associated with accreditation.

Exhibit 6.1 presents the estimation of Training Provider burden for accreditation. In year 1, it is

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<sup>3</sup> The rule allows for the training and use of a sampling technician to perform dust clearance testing following a renovation instead of performing cleaning verification. Because dust clearance testing is substantially more expensive than the cleaning verification, EPA expects few buildings to have dust clearance testing performed. Since the frequency of dust clearance testing is expected to be low, and therefore not to have a significant cost impact, this analysis assumes that cleaning verification is always performed instead of dust clearance testing.

<sup>4</sup> Time assumptions are based on information provided in the existing, approved ICR.



assumed that 168 training providers will seek initial certification. For each year thereafter, one quarter of the necessary stock of training providers will seek certification. Based on EPA's Federal Lead-Based Paint Program (FLPP) database, fifty-five percent of that quarter will seek initial certification, and the remainder will seek recertification. In addition, the necessary stock of training providers will diminish by 0.41 percent, annually, to reflect the estimated housing demolition rate.

Under the rule, pre-course notification would be required at least 7 business days prior to the start of a lead-based paint activities course. Re-notification would be required if the course date changes. Within 10 days of course completion, training providers would be required to submit a post-course notification. The following sections discuss how the reporting and recordkeeping burden estimates in this analysis were developed. Exhibit 6.2 presents the estimation of Training Provider burden for course notifications.

This analysis assumes that training providers will complete a separate notification form for each lead-based paint activity course conducted. The number of pre-course and post-course notification events was estimated by dividing the total number of students in a given year by an estimated average class size of 25 students and the estimated number of training providers. (See the Economic Analysis of the Final Rule (EPA 2008) for details.) The numbers of notification events were rounded upwards to reflect the possibility that some courses will be under subscribed. There is one pre- and one post-notification for each training course, with an average burden of 0.15 and 1.54 hours each. (Post-notifications are more time consuming because the Training Provider must send records pertaining to each student who attended the course.) In addition, some courses may require re-notification. Re-notification events are calculated based on notification events in the FLPP database. Re-notifications occur for approximately 12 percent of original pre-course notifications, and are also estimated to require 0.15 hours of time. Estimates of the amount of time required to complete the pre-course and post-course notification forms are determined in the existing approved ICR.

The training provider burden estimates described above also include the recordkeeping burden associated with filing a one page record of the notification form sent to the administering agency. An estimate of the amount of time needed to file a record was adopted from the existing approved ICR, and is estimated to be 0.01 hours per training event.

Training providers are also required to take a digital photo of each certified renovator upon initial and refresher training. The estimated time burden associated with taking and processing each photo is 3 minutes (EPA 2008).

As presented below in Exhibit 6.3, the burden for all training providers is estimated to be 19,310 hours in Year 1 of the regulation, 3,946 hours in Year 2, and 3,928 hours in Year 3. (The burden drops to reflect the decrease in the number of renovators needing training each year, since initial training is generally only needed for new entrants to the market and retraining is only required every five years.) The average annual aggregate burden for training providers over the three years covered by this ICR is 9,062 hours.

### Exhibit 6.1 Training Providers: Accreditation Burden Estimates

#### *Number of Training Providers*

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Avg.</b>
Receiving Initial Accreditation	168	23	23	71
Receiving Re-Accreditation	0	19	19	12
Already Accredited	0	125	125	83
<b>Total</b>	<b>168</b>	<b>167</b>	<b>166</b>	<b>167</b>

#### *Accreditation/Re-Accreditation Burden- Hours per Training Provider*

	<b>Accreditation Year</b>	<b>Re-Accreditation Year</b>	<b>Other Years</b>
Rule Familiarization	8	0	0
Accreditation Statement	4	4	0
Clerical Time- Statement	2	2	0
Clerical Time- Recordkeeping	1	1	1
<b>Total</b>	<b>15</b>	<b>7</b>	<b>1</b>

#### *Total Accreditation Burden- Hours*

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Rule Familiarization	1,344	184	183
Accreditation Statement	672	167	166
Clerical Time- Statement	336	84	83
Clerical Time- Recordkeeping	168	167	166
<b>Total</b>	<b>2,520</b>	<b>602</b>	<b>598</b>

**Exhibit 6.2 Training Providers: Notification Burden**

Category	Events per Training Provider				Reporting Hours/Event	Recordkeeping Hours/Event	Total Hours/Event
	Year 1	Year 2	Year 3	Avg.			
Pre-notification	56	11	11	26	0.15	0.01	0.16
Re-notification	6.7	1.3	1.3	3	0.15	0.01	0.16
Post-notification	56	11	11	26	1.54	0.01	1.55
Digital Photo	56	11	11	26	0.05	0.00	0.05
Annual Total	175.3	35.1	35.1	82			

*Notification Burden Hours per Training Provider*

Year 1	Year 2	Year 3
100	20	20

*Training Providers per Year*

Year 1	Year 2	Year 3
168	167	166

*Total Notification Burden Hours per Year*

Year 1	Year 2	Year 3
16,790	3,344	3,330

**Note(s):** Numbers may not calculate due to rounding.

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

**Exhibit 6.3 Total Training Provider Burden**

	Year 1	Year 2	Year 3
Accreditation Burden	2,520	602	598
Notification Burden	16,790	3,344	3,330
Total Burden	19,310	3,946	3,928

**Note(s):** Numbers may not calculate due to rounding.

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

Renovation, Repair, and Painting Firms: Certification-Related Burden

Under the renovation, repair, and painting (RRP) rule, firms wishing to conduct renovations in target housing and child-occupied facilities would be required to apply for certification.<sup>5</sup> They would also be required to keep records reflecting RRP events conducted by trained employees.

It is estimated that firms that become certified under the rule will spend a total of three hours familiarizing themselves with the rule's requirements when they are initially certified. They will spend another half an hour filling out and mailing the Application for Firm Certification each time they are certified or re-certified. (Re-certification is required every five years.) As shown in Exhibit 6.4, 211,721 firms are estimated to become certified in the first year as a result of the rule. In the second year, 210,853 firms will become certified (37,954 initial certifications and 4,217 re-certifications). When combined with the 168,682 firms still operating that are already certified, this yields a total of 210,853 certified

<sup>5</sup> RRP firms may include contractors, COF operators (schools, daycare centers, etc.), landlords that rent public or commercial building space to COFs, and landlords that rent target housing.

firms. In the third year, 41,998 firms will become certified (37,798 initial certifications and 4,200 re-certifications). When combined with the 167,991 firms still operating that are already certified, this yields a total of 209,988 certified firms. The number of firms certified each year is calculated in the Economic Analysis for the Final Rule (EPA 2008).

Averaged across three years, there are an estimated 210,854 firms operating annually, of which 203,104 are private firms and 7,750 are local governments. Small businesses comprise 202,561 of these firms, of which 195,424 are small private firms and 7,138 are small local governments.

Additionally, all RRP firms, regardless of whether they are applying for certification in a given year, will spend time keeping records of RRP work conducted in child-occupied facilities. An estimate of the amount of time needed to file a record was adopted from EPA ICR No. 1715.07. On average, RRP firms will spend 4.8 hours on recordkeeping per year. This is based on a burden of 5 minutes per response and an average of 58 responses per firm. The number of events per firm is estimated in the Economic Analysis for the Final Rule (EPA 2008).

In the first year, it is assumed that the number of firms that seek certification is equal to the number that is necessary to meet the demand for lead-safe RRP services in that first year. In the second year, this analysis makes the simplifying assumption that one fifth of the number of firms certified in the first year seek initial- or re-certification. (The number of certifications is assumed to decline by 0.41 percent annually to reflect the decline in the pre-1978 housing stock.) In later years, it is assumed that one fifth of the necessary stock of firms will obtain certification each year (since re-certification is required every five years).

As indicated above, this analysis assumes a steady annual number of firm certifications after the second year of regulation. If all the firms needed to meet the demand for lead-safe RRP were certified in the first and second years, one might expect a drop in the level of certification in the third year, followed by a spike in the next year. That is, one might expect a cyclical pattern of training and certification to emerge. However, it is difficult to predict how cyclical training and certification demand might be, or how this cyclicity might diminish over time. Therefore, this analysis assumes that a typical amount of certification occurs each year after the first two years because modeling a cyclical component would add little to the analysis without being able to estimate the extent of any cyclicity more precisely.

This analysis accounts for turnover in the regulated RRP industry by assuming a certain percentage of certifications each year are initial certifications. Specifically, after the first year, 90 percent of firms seeking certification are assumed to be seeking their initial certification based on the relative annual average frequency of initial certifications observed for abatement firms in FLPP database. The estimated number of certified firms is shown in Exhibit 6.4, which provides separate estimates for firms working in target housing and those working in child-occupied buildings (COFs) in public or commercial buildings

As presented below in , this amendment estimates the burden for all firms conducting renovations in Year 1 to be 1,757,284 hours for all entities. The burden is estimated to be 1,147,040 hours for all entities in Year 2, and 1,142,337 hours in Year 3 (reflecting the decrease in the number of firms needing certification, since re-certification is only required every five years). There are an annual average of 1,348,887 hours during the three year period covered by this ICR. This yields an average burden of 6.4 hours per year for RRP firms.

**Exhibit 6.4 Number of Certified Firms**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Average</b>
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<i>Entities Working in Target Housing</i>				
Receiving Initial Certification	169,051	30,304	30,180	76,512
Receiving Re-Certification	0	3,367	3,353	2,240
<b>Subtotal: Firms Receiving Certification or Re-Certification</b>	<b>169,051</b>	<b>33,672</b>	<b>33,534</b>	<b>78,752</b>
Already Certified - Not Receiving Certification or Re-Certification	0	134,686	134,134	89,607
<b>Total</b>	<b>169,051</b>	<b>168,358</b>	<b>167,668</b>	<b>168,359</b>
<i>Entities Working in Public or Commercial Building COFs</i>				
Receiving Initial Certification	42,670	7,649	7,618	19,312
Receiving Re-Certification	0	850	846	565
<b>Subtotal: Firms Receiving Certification or Re-Certification</b>	<b>42,670</b>	<b>8,499</b>	<b>8,464</b>	<b>19,878</b>
Already Certified - Not Receiving Certification or Re-Certification	0	33,996	33,857	22,618
<b>Total</b>	<b>42,670</b>	<b>42,495</b>	<b>42,321</b>	<b>42,495</b>
<i>Total Number of Firms</i>				
Receiving Initial Certification	211,721	37,954	37,798	95,824
Receiving Re-Certification	0	4,217	4,200	2,806
<b>Subtotal: Firms Receiving Certification or Re-Certification</b>	<b>211,721</b>	<b>42,171</b>	<b>41,998</b>	<b>98,630</b>
Already Certified - Not Receiving Certification or Re-Certification	0	168,682	167,991	112,224
<b>Total</b>	<b>211,721</b>	<b>210,853</b>	<b>209,988</b>	<b>210,854</b>

**Exhibit 6.5: Average Annual Number of Certifications and Burden per Response**

	<b>Number of Small Respondents</b>	<b>Number of Respondents</b>	<b>Burden per Response (hours)*</b>
Private Firms			
Initial Certification	90,983	92,302	8.3
Recertification	2,664	2,702	5.3
No Certification	106,554	108,100	4.8
Small/Local Government			
Initial Certification	3,244	3,522	8.3
Recertification	95	103	5.3
No Certification	3,799	4,125	4.8

**Note(s):** \* Includes annual recordkeeping time of 4.8 hours.

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

*Certification/Re-Certification/Recordkeeping Burden- Hours Per Firm*

<i>Total Certification/Recordkeeping Burden- Hours</i>	<b>Re-Certification</b>		
<i>Entities Working in Target Housing</i>	<b>Certification Year</b>	<b>Recordkeeping Burden</b>	<b>Other Years</b>
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Rule Familiarization	500,553	90,953	90,541
Certification Form	84,526	16,836	16,757
Recordkeeping	818,345	808,318	804,805
<b>Total</b>	<b>1,403,123</b>	<b>915,867</b>	<b>912,112</b>
<i>Entities Working in Public or Commercial Building COFs</i>			
<i>Total Certification/Recordkeeping Burden - Hours</i>			
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Rule Familiarization	128,010	22,947	22,853
Certification Form	21,335	4,250	4,232
Recordkeeping	204,816	203,976	203,140
<b>Total</b>	<b>354,161</b>	<b>231,173</b>	<b>230,225</b>
<i>Total Certification/Recordkeeping Burden- Hours</i>			
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Rule Familiarization	635,163	113,861	113,394
Certification Form	105,861	21,085	20,999
Recordkeeping	1,016,261	1,012,094	1,007,945
<b>Total</b>	<b>1,757,284</b>	<b>1,147,040</b>	<b>1,142,337</b>

**Note(s):** Numbers may not calculate due to rounding. Re-certification required every five years. Entities working in public or commercial building COFs include contractors and landlords, as well as schools and daycare centers that conduct work in-house.

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

Renovation, Repair, and Painting Firms – Burden Related to Pre-Renovation Education

Under TSCA section 406(b), persons renovating target housing for compensation must provide the owner and the occupant of the housing with a lead hazard information pamphlet before renovations commence. The RRP rule extends the pre-renovation information dissemination requirements to renovation projects performed by contractors or landlords in public or commercial building COFs. This analysis assumes that these contractors will work both in COFs that rent space, and in those that own space. Landlords will only work in the buildings that they own.

The Pre-Renovation Education Rule requirements do not apply to events where a test kit indicates that lead-based paint is not present; therefore, it is assumed costs are incurred for events where lead-safe

work practices (LSWPs) are used. The number of LSWP events performed by landlords and contractors in owner-occupied and rented COFs was calculated using the approach for estimating the total number of events performed by these entities, as described in detail in Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008). Section 4.4 of EPA 2008 estimated the percentage of events, by event and facility type, performed by landlords, contractors, and by the COFs themselves. These percentages are presented in Table 4-91 of Section 4.4 (EPA 2008). This analysis applies the percentages presented in Table 4-91 to the numbers of LSWP events performed in each type of daycare facility (see Section 4.4 of Chapter 4 in EPA 2008) to estimate the number of events where contractors and landlords will need to distribute pamphlet(s) and obtain proof of pamphlet receipt prior to beginning renovation work.

*Number of Landlord Firms and Events Performed by Landlords*

Landlords are required to comply with the Pre-Renovation Education Rule during each LSWP event they perform. As discussed in detail in Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008), 13,279 non-residential property manager or lessor firms are expected to rent space to COFs in Year 1. The number of events with LSWP decreases in Year 2, because more reliable test kits are expected to be in use starting in Year 2.<sup>6</sup> Exhibit 6.6 presents the number of lessor/manager firms renting space to COFs and the numbers of LSWP events performed by these firms each year during the first three years of the rule.

**Exhibit 6.6: Number of Non-Residential Property Manager Firms and LSWP Events They Perform**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Number of Lessor/Manager Firms	13,279	13,224	13,170
Number of LSWP Events Performed	5,984	2,173	2,164

**Source(s):** Economic Analysis for the Final Rule (EPA 2008).

*Number of Contractor Firms and Events Performed by Contractors*

Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008) presents the estimated percentages of RRP events, by event and facility type, performed by landlords, contractors, and by the COFs themselves. To estimate the number of LSWP events performed by contractors in public or commercial building COFs, percentages of all RRP events performed by contractors in schools and daycare centers were applied to the total number of LSWP events performed in these buildings in a given year. It is estimated that contractors will perform 182,836 renovation events that require lead-safe work practices in public or commercial building COFs in the first year. In the second year, when a more reliable test kit is assumed to be in use, , the number of LSWP events performed by these contractors is estimated to decrease to 44,646.

Exhibit 6.7 presents the number of events performed by contractors in the first, second, and third years of the rule in schools, in daycare centers that own their space and in daycare centers that rent their

<sup>6</sup> EPA expects that improved test kits will be commercially available by September 2010, but this analysis does not assume that the improved test kits will be in use until the second year that all of the rule’s requirements are in effect.  
 March 28, 2008 Page 23 of 54

space.<sup>7</sup> These calculations are based on estimates presented in Table 4-88 of Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008).

**Exhibit 6.7: Number of Contractor LSWP Events by COF Type**

Type of COF	Number of Events Performed by Contractors		
	Year 1	Year 2	Year 3
Public and Private Schools <sup>a</sup>	143,185	34,612	34,470
Daycare Centers that Rent their Space <sup>b</sup>	8,570	2,000	1,992
Daycare Centers that Own their Space <sup>c</sup>	22,512	6,035	6,010
Total in Owner-Occupied COFs	165,696	40,647	40,480
Total in COFs that Rent Space	8,570	2,000	1,992
Total Events	174,266	42,647	42,472

a. All schools are assumed to own their buildings.  
b. The number of centers renting space was estimated using data from DOE’s Commercial Building Energy Consumption Survey (CBECS). HUD data was used to determine the percentages of work being contracted out. See Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008).  
c. The number of events in daycare centers that own their space is calculated as the difference between the number of contractor events in all daycare centers and the number of events in daycare centers that rent their space. (See Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008).

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

shows the three-year average annual number of respondents to the pre-renovation education requirements. Landlords and contractors working in COFs that own their buildings comprise a single category, as both must notify only the COF operator. Contractors working in COFs that rent their space constitute a second category, as they must notify both the COF operator and the owner of the building. The same set of contractors performs work in both renter- and owner-occupied COFs; therefore, the 3,210 contractors performing work in COFs are included in both categories.

<sup>7</sup>As discussed in detail in Section 4.4 of the Economic Analysis for the Final Rule (EPA 2008), public schools, private schools with more than 100 students, landlords that rent space to daycare centers in public or commercial buildings, and daycare centers in religious or other non-profit establishments are expected to perform all of their own painting and window/door projects, as well as one unscheduled maintenance event per building every year. Contractors are expected to perform all electric and plumbing/HVAC, as well as all remaining unscheduled maintenance projects in these COFs. Furthermore, contractors are expected to perform all RRP projects in private schools with less than 100 students, and in daycare centers that own their buildings.



**Exhibit 6.8: Average Annual Number of Pre-Renovation Education Respondents, Responses per Respondent, and Burden per Response**

	<b>Number of Small Respondents</b>	<b>Number of Respondents</b>	<b>Responses per Respondent</b>	<b>Burden per Response (hours)</b>
<i>Landlords working in renter COFs and Contractors working in owner COFs</i>				
Private Entity	15,305	16,434	5.20	0.15
State/Local Gov	0	0	0	0
<i>Contractors working in renter COFs</i>				
Private Entity	3,150	3,210	1.30	0.25
State/Local Gov	0	0	0	0

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

*Estimated Burden per Event*

Landlords, as well as contractors working in COFs that own their own space, will need to prepare one set of acknowledgement and certification forms, distribute the pamphlet to the COF owner only, and obtain proof that the pamphlet was provided to the COF owner. Contractors working in COFs that are renting space will need to prepare two sets of acknowledgement and certification forms (one for the building owner, and the other for the COF owner), distribute the pamphlet to both individuals, and obtain proof that both individuals have received the pamphlet.

This analysis estimates the per-event burden of preparing acknowledgement and certification forms, distributing pamphlets, and obtaining proof of pamphlet receipt based on the supporting statement for the Information Collection Request for the Lead-Based Paint Pre-Renovation Information Dissemination Rule - TSCA Section 406(b) (EPA ICR No. 1669.04). ICR No. 1669.04 estimated that contractors or landlords will need two minutes each to prepare a set of acknowledgement and certification forms; photocopy the pamphlet; and deliver the pamphlet and obtain proof of pamphlet receipt from each individual involved, and three minutes to file all of the signed acknowledgement forms or mailing certificates. Exhibit 6.9 presents total per-event burden estimates.

**Exhibit 6.9: Per-Event Burden Estimates by Task (In Hours)**

<b>Activity</b>	<b>Burden Hours</b>	
	<b>Landlord Event or Contractor Event in COF that Owns Space</b>	<b>Contractor Event in COF that Rents Space</b>
Preparing Written Acknowledgement	0.033	0.066
Photocopying of Pamphlet	0.033	0.066
Distribution of Pamphlet	0.033	0.066
Filing and Retaining Acknowledgement	0.050	0.050
<b>Total</b>	<b>0.150</b>	<b>0.250</b>

**Sources:** Supporting Statement for Lead-Based Paint Pre-Renovation Information Dissemination - TSCA Sec. 406(b) EPA ICR No. 1669.04 (2004)

*Estimated Total Burden*

Exhibit 6.10 presents the total burden and cost to respondents resulting from the extension of pre-renovation information dissemination requirements to public or commercial building COF events. Total respondent burden was estimated by multiplying the numbers of LSWP events by the corresponding per event burden estimates.

**Exhibit 6.10: Total Pre-Renovation Education Burden Due to the Rule**

Total Burden Hours

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<i>Non-Residential Property Manager Firms</i>			
LSWP Events Performed Annually	5,984	2,173	2,164
Hour Burden per Event	0.15	0.15	0.15
Total Burden Hours	898	326	325
<i>Contractors Performing Work in COFs that Own Space</i>			
LSWP Events Performed Annually	165,696	40,647	40,480
Hour Burden per Event	0.15	0.15	0.15
Total Burden Hours	24,854	6,097	6,072
<i>Contractors Performing Work in COFs that Rent Space</i>			
LSWP Events Performed Annually	165,696	40,647	40,480
Hour Burden per Event	0.25	0.25	0.25
Total Burden Hours	2,142	500	498

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

Renovation, Repair, and Painting Firms – Burden Related to Additional Pre-Renovation Education Requirements

The final rule would also require that a renovation firm working in a COF either distribute the pamphlet and general information on the renovation project to the parents or guardians of children using the facility, or post informational signs describing the general nature and locations of the project and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the lead hazard information pamphlet or information on how interested parents and guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parent or guardian.

*Number of Firms and Events Performed in COFs*

As described in Exhibit 6.4, 211,721 firms are expected to be certified in Year 1. The number of events with LSWP decreases in Year 2, because more reliable test kits are expected to be in use starting in Year 2. Exhibit 6.11 presents the number of firms performing RRP work and the numbers of LSWP events performed by these firms each year during the first three years of the rule. Though the firms presented in Exhibit 6.11 are also expected to perform non-LSWP events, this requirement does not apply to events where a test kit indicates that LBP is not present; therefore it is assumed that these costs are only incurred for events where LSWP are used. Exhibit 6.12 provides the number of respondents, averaged across three years, by entity type (private firm or state/local government).

**Exhibit 6.11: Number of Firms and LSWP Events They Perform in COFs**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Number of Firms	211,721	210,853	209,988
Number of LSWP Events Performed	360,580	137,440	136,876

**Source(s):** Economic Analysis for the Final Rule (EPA 2008).

**Exhibit 6.12: Average Annual Number of Additional Pre-Renovation Education Respondents, Responses per Respondent, and Burden per Response**

	<b>Number of Small Respondents</b>	<b>Number of Respondents</b>	<b>Responses per Respondent</b>	<b>Burden per Response (hours)</b>
Private Entity	200,201	203,104	0.90	0.05
State/Local Gov	7,138	7,750	3.65	0.05

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

*Estimated Burden per Event*

To comply with this requirement it is assumed that a copy of the pamphlet will be posted together with the information specific to the planned renovation. The labor burden associated with this activity is assumed to be three minutes. Exhibit 6.13 presents total per-event burden estimates.

**Exhibit 6.13: Per-Event Burden Estimates by Task (In Hours)**

<b>Activity</b>	<b>Burden Hours</b>
	<b>Event Performed in COF</b>
Preparing Written Acknowledgement	0.05
Total	0.05

**Sources:** Supporting Statement for Lead-Based Paint Pre-Renovation Information Dissemination - TSCA Sec. 406(b). EPA ICR No. 1669.04 (2004)

*Estimated Total Burden*

Exhibit 6.14 presents the total burden and cost to respondents resulting from the additional pre-renovation information dissemination requirements to COF events. Total respondent burden was estimated by multiplying the numbers of events in Exhibits Exhibit 6.11 by the corresponding per-event burden estimates in Exhibit 6.13.

**Exhibit 6.14: Total Additional Pre-Renovation Education Burden Due to the Rule**  
Total Burden Hours

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
LSWP Events Performed Annually	360,580	137,440	136,876
Hour Burden per Event	0.05	0.05	0.05
All Firms	18,029	6,872	6,844

**Sources:** Economic Analysis for the Final Rule (EPA 2008).

**6(b) Estimating Respondent Costs**

## Introduction

The cost estimates addressed in this section are based on the burden estimates discussed in section 6(a). Wage rates for each category of personnel are based on wage rate information from the Bureau of Labor Statistics (BLS)<sup>8</sup>. Following are the wage rates used in this analysis, which are fully loaded (i.e., include fringe benefits and overhead), and are in 2005 US dollars<sup>9</sup>:

Training Provider Clerical Time	\$23.54/hr
Training Provider Professional Time	\$38.76/hr
RRP Firm Wage Rate	\$31.64/hr <sup>10</sup>

## Training Providers

The loaded wage rate for training provider clerical staff is \$23.54 per hour. The loaded wage rate for professional training staff is \$38.76 per hour. It is assumed that professional staff will familiarize themselves with the rule and will prepare the accreditation statement. Clerical staff will prepare and mail notifications and will perform recordkeeping activities. Training provider costs also include \$0.37 per postage stamp and \$0.02 per envelope for mailing notifications and \$0.08 per one page copy of each notification for the firm's records. Training providers are also required to take a digital photo of each renovator receiving initial certification. The use of a one-time digital camera costs \$0.56 per photo and takes approximately three minutes<sup>11</sup>.

Exhibit 6.15 estimates the annual accreditation costs for training providers and estimates the annual cost for training provider notifications. As shown in Exhibit 6.17, total training provider costs are estimated to be \$502,495 in the first year of the rule, \$101,691 in the second year, and \$101,206 in the third year. The average annual cost over the three years covered by the ICR is \$235,130. This yields an average cost of \$1,406 per training provider.

### **Exhibit 6.15 Training Providers: Accreditation Cost Estimates**

#### *Number of Training Providers*

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Avg.</b>
Receiving Initial Accreditation	168	23	23	71
Receiving Re-Accreditation	0	19	19	12
Already Accredited	0	125	125	83
Total	168	167	166	167

#### *Accreditation/Re-Accreditation Cost per Training Provider – 2005 Dollars*

<sup>8</sup>U.S. Bureau of Labor Statistics. 2005. Occupational Employment Statistics Series.

<sup>9</sup>Firm Wage Rates were Inflated from 2004 US dollars to 2005 US dollars the BLS Employment Cost Index for the Construction Industry.

<sup>10</sup> Certified renovators' fully loaded wages (\$31.64/hour) are estimated from BLS wage data for First-Line Supervisors/Managers of Construction Trades and Extraction Workers (Occupation 47-1011) who work in the residential building construction industry. Wages are fully loaded to account for fringe benefits with an average fringe rate for the construction industry of 23.5 percent.

<sup>11</sup> Digital photo cost is rounded up to \$2.00 per photo.

	<b>Accreditation Year</b>	<b>Re- Accreditation Year</b>	<b>Other Years</b>
Rule Familiarization	\$310.08	\$0.00	\$0.00
Accreditation Statement	\$155.04	\$155.04	\$0.00
Clerical Time- Statement	\$47.08	\$47.08	\$0.00
Clerical Time- Recordkeeping	\$23.54	\$23.54	\$23.54
Material Costs	\$0.55	\$0.55	\$0.00
<b>Total Cost</b>	<b>\$536.29</b>	<b>\$226.21</b>	<b>\$23.54</b>

*Total Accreditation Cost - 2005 Dollars*

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Rule Familiarization	\$52,093	\$7,133	\$7,075
Accreditation Statement	\$26,047	\$6,485	\$6,432
Clerical Time- Statement	\$7,909	\$1,969	\$1,953
Clerical Time- Recordkeeping	\$3,955	\$3,939	\$3,918
Material Costs	\$92	\$23	\$23
<b>Total</b>	<b>\$90,097</b>	<b>\$19,549</b>	<b>\$19,401</b>

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2005).

**Exhibit 6.16 Training Providers: Notification Cost Estimates**

Category	Events per Training Provider				Reporting Cost/Event	Recordkeeping Cost/Event	Materials Cost/Event	Total Cost/Event
	Year 1	Year 2	Year 3	Avg.				
Pre-notification	56	11	11	26	\$3.53	\$0.24	\$0.47	\$4.24
Re-notification	6.7	1.3	1.3	3	\$3.53	\$0.24	\$0.47	\$4.24
Post-notification	56	11	11	26	\$36.25	\$0.24	\$0.47	\$36.96
Digital Photo	56	11	11	26	\$1.18	\$0.00	\$0.56	\$2.00

*Cost per Training Provider*

Year 1	Year 2	Year 3
\$2,455	\$491	\$491

*Training Providers per Year*

Year 1	Year 2	Year 3
168	167	166

*Total Cost per Year*

Year 1	Year 2	Year 3
\$412,398	\$82,141	\$81,805

**Note(s):** Numbers may not calculate due to rounding.

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2005).

**Exhibit 6.17 Total Training Provider Costs - 2005 Dollars**

	Year 1	Year 2	Year 3
Accreditation Cost	\$90,097	\$19,549	\$19,401
Notification Cost	\$412,398	\$82,141	\$81,805
Total Cost	\$502,495	\$101,691	\$101,206

**Note(s):** Numbers may not calculate due to rounding.

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2005).

RRP Firms – Costs Related to Certification

The average recordkeeping cost associated with firm certification is \$2.64 per response, based on a response time of 5 minutes and a loaded clerical wage rate of \$31.64. In addition to labor costs, firm certification costs also include \$0.37 per postage stamp and \$0.02 per envelope for mailing notifications and \$0.08 per one page copy of each notification for the firm's records.

As presented below in Exhibit 6.18, based on the burden estimates provided in section 6(a) and the wage rates discussed above, the costs associated with certification applications for all firms conducting renovations is estimated to be \$55,716,922 in Year 1, \$36,315,540 in Year 2, and \$36,166,646 in Year 3. The average annual cost for these entities is \$43 million over the three years covered by this ICR, resulting in an average cost per firm of \$203.

**Exhibit 6.18 Firms: Certification Cost Estimates**

*Number of Firms*

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<i>Entities Working in Target Housing</i>			
Receiving Initial Certification	169,051	30,304	30,180
Receiving Re-Certification	0	3,367	3,353
<i>Subtotal: Firms Receiving Certification or Re-Certification</i>	169,051	33,672	33,534
Already Certified - Not Receiving Certification or Re-Certification	0	134,686	134,134
<b>Total</b>	169,051	168,358	167,668
<i>Entities Working in Public or Commercial Building COFs</i>			
Receiving Initial Certification	42,670	7,649	7,618
Receiving Re-Certification	0	850	846
<i>Subtotal: Firms Receiving Certification or Re-Certification</i>	42,670	8,499	8,464
Already Certified - Not Receiving Certification or Re-Certification	0	33,996	33,857
<b>Total</b>	42,670	42,495	42,321
<i>Total Number of Firms Working in COFs</i>			
Receiving Initial Certification	211,721	37,954	37,798
Receiving Re-Certification	0	4,217	4,200
<i>Subtotal: Firms Receiving Certification or Re-Certification</i>	211,721	42,171	41,998
Already Certified - Not Receiving Certification or Re-Certification	0	168,682	167,991
<b>Total</b>	211,721	210,853	209,988

*Certification/Re-Certification/Recordkeeping Cost per Firm - 2005 Dollars*

<i>Total Certification/Recordkeeping Costs - 2005 Dollars</i>	<b>Year 1</b>	<b>Re-Certification</b>	<b>Year 3</b>
	<b>Accreditation Year</b>	<b>Year</b>	<b>Other Years</b>
<i>Entities Working in Target Housing</i>			
Rule Familiarization	\$16,046,321	\$2,876,496	\$2,864,702
Certification Form	\$294,937	\$52,084	\$50,800
Recordkeeping	\$2,157,413	\$2,158,250	\$2,160,017
Material Costs	\$95,988	\$18,589	\$18,483
<b>Total</b>	\$18,694,659	\$5,205,419	\$5,203,902
<i>Entities Working in Public or Commercial Building COFs</i>			
Rule Familiarization	\$4,050,236	\$726,053	\$723,077
Certification Form	\$675,039	\$134,454	\$133,903
Recordkeeping	\$6,480,378	\$6,453,809	\$6,427,348
Material Costs	\$23,469	\$4,674	\$4,655
<b>Total</b>	\$11,229,123	\$7,318,991	\$7,288,983
<i>Total Certification/Recordkeeping Cost</i>			
Rule Familiarization	\$20,096,557	\$3,602,549	\$3,587,779
Certification Form	\$3,349,426	\$667,139	\$664,403
Recordkeeping	\$32,154,492	\$32,022,658	\$31,891,365
Material Costs	\$116,447	\$23,194	\$23,099
<b>Total</b>	\$55,716,922	\$36,315,540	\$36,166,646

**Note(s):** Numbers may not calculate due to rounding. Entities working in public or commercial building COFs include contractors and landlords, as well as schools and daycare centers that conduct work in-house.

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S.

RRP Firms – Costs Related to Pre-Renovation Education

Under TSCA section 406(b), persons renovating target housing for compensation must provide the owner and the occupant of the housing with a lead hazard information pamphlet before renovations commence. The RRP rule extends the pre-renovation information dissemination requirements to renovation projects performed by contractors or landlords in public or commercial building COFs. This analysis assumes that these contractors will work both in COFs that rent space, and in those that own space. Landlords will only work in the buildings that they own.

Landlords, as well as contractors working in COFs that own their own space, will need to prepare one set of acknowledgement and certification forms, distribute the pamphlet to the COF owner only, and obtain proof that the pamphlet was provided to the COF owner. Contractors working in COFs that are renting space will need to prepare two sets of acknowledgement and certification forms (one for the building owner, and the other for the COF owner), distribute the pamphlet to both individuals, and obtain proof that both individuals have received the pamphlet.

In addition to the time needed to prepare acknowledgement forms and distribute the pamphlet, contractors and landlords will also incur the costs of either photocopying or purchasing the renovation-specific lead safety pamphlets. Based on per-page photocopy costs reported by Kinko’s, EPA estimates that a single pamphlet costs \$0.56 to photocopy or purchase. Exhibit 6.19 presents resulting per-event pamphlet costs.

**Exhibit 6.19 Number of Pamphlets and Pamphlet Cost per Event**

	Event Type	
	Landlord Event or Contractor Event in COF that Owns Space	Contractor Event in COF that Rents Space
Number of Pamphlets	1	2
Cost per Pamphlet	\$0.56	\$0.56
Total Pamphlet Cost/Event	\$0.56	\$1.12

**Sources:** Kinko’s, Personal Communication. February 21, 2007. EPA ICR No. 1669.04 (2004) Lead-Based Paint Pre-Renovation Information Dissemination - TSCA Sec. 406(b).

Exhibit 6.20 presents the estimated total costs of pre-renovation education to property lessors/managers and contractors performing work in public or commercial building COFs. Contractors and landlords will incur time burden and material costs, presented in Exhibit 6.10 and Exhibit 6.19, respectively. To estimate total labor costs associated with pre-renovation education, the total burden estimates in Exhibit 6.10 were multiplied by the loaded wage rate for clerical staff (\$31.64 per hour). Total pamphlet costs were estimated by multiplying the numbers of events in Exhibit 6.6 and Exhibit 6.7 by the corresponding per-event pamphlet cost estimates in

**Exhibit 6.20 Total Costs Associated with Pre-Renovation Education**

Total Labor Cost			
	Year 1	Year 2	Year 3
Landlords	\$28,399	\$10,311	\$10,269



Contractors Performing Work in COFs Renting Space	\$67,785	\$15,819	\$15,754
Contractors Performing Work in COFs that Own Space	\$786,395	\$192,909	\$192,118
<i>Total Pamphlet Cost</i>			
Landlords	\$3,351	\$1,217	\$1,212
Contractors Performing Work in COFs Renting Space	\$9,598	\$2,240	\$2,231
Contractors Performing Work in COFs that Own Space	\$92,790	\$22,762	\$22,669
<i>Total Cost</i>			
Landlords	\$31,749	\$11,528	\$11,481
Contractors Performing Work in COFs Renting Space	\$77,383	\$18,059	\$17,985
Contractors Performing Work in COFs that Own Space	\$879,185	\$215,672	\$214,787
Total, All Events	\$988,318	\$245,258	\$244,253

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1669.04 (2004) Lead-Based Paint Pre-Renovation Information Dissemination - TSCA Sec. 406(b); U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2005); Kinko's, Personal Communication. February 21, 2007.

### RRP Firms – Costs Related to the Additional Pre-Renovation Education Requirements

The final rule would also require that a renovation firm working in a COF either distribute the pamphlet and general information on the renovation project to the parents or guardians of children using the facility, or post informational signs describing the general nature and locations of the project and the anticipated completion date.

To comply with the additional pre-renovation education requirements, RRP firms will need to purchase or photocopy a lead-safety pamphlet and post a job-specific information sheet. The labor burden associated with this activity is assumed to be three minutes, and the estimated wage rate is \$31.64. Thus, the total labor cost per-activity is estimated to be \$1.58. Based on per-page photocopy costs reported by Kinko's, EPA estimates that a single pamphlet costs \$0.56 to photocopy or purchase. A copy of the job-specific information sheet costs \$0.07. Exhibit 6.21 presents resulting per-event pamphlet costs.

**Exhibit 6.21 Number of Pamphlets and Pamphlet Cost per Event**

Number of Pamphlets	1
Number of Job-Specific Information Sheets	1
Cost per Pamphlet	\$0.56
Cost per Job-Specific Information Sheet	\$0.07
Total Pamphlet Cost/Event	\$0.63

**Sources:** Kinko's, Personal Communication. February 21, 2007. EPA ICR No. 1669.04 (2004) Lead-Based Paint Pre-Renovation Information Dissemination - TSCA Sec. 406(b).

Exhibit 6.22 presents the estimated total costs of the additional pre-renovation education requirements to firms performing work in COFs. To estimate total labor costs associated with pre-renovation education, the total burden estimates in Exhibit 6.14 were multiplied by the loaded wage rate for clerical staff (\$31.64 per hour). Total pamphlet costs were estimated by multiplying the numbers of events in Exhibit 6.11 by the corresponding per-event pamphlet cost estimates in Exhibit 6.21.

**Exhibit 6.22 Total Costs Associated with Additional Pre-Renovation Education**

<i>Total Labor Cost</i>			
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
All Firms	\$570,437	\$217,430	\$216,538
<i>Total Pamphlet Cost</i>			
All Firms	\$227,165	\$86,587	\$86,232

<i>Total Cost</i>			
Total, All Events	\$797,602	\$304,017	\$302,771

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1669.04 (2004) Lead-Based Paint Pre-Renovation Information Dissemination - TSCA Sec. 406(b); U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2005); Kinko's, Personal Communication. February 21, 2007.

### 6(c) Estimating Agency Cost

There are also government costs to administer the program. States, Tribes, and Territories are allowed, but are under no obligation, to apply for and receive authorization to administer these requirements. EPA will directly administer programs for States, Tribes, and Territories that do not become authorized. Because the number of States, Tribes, and Territories that will become authorized is not known, administrative costs are estimated assuming that EPA will administer the program everywhere. To the extent that other government entities become authorized, EPA's administrative costs will be lower. States, Tribes, and Territories that choose to implement the rule themselves are expected to incur similar costs on a per-unit basis.

Under the preferred regulatory option, EPA will perform three tasks as part of administering the RRP program: accredit training providers, certify firms and process training provider notifications. To reduce the burden on the regulated community, EPA's preferred option does not include formal certification for renovators or dust sampling technicians.

Accreditation and certification cost estimates are based on responses from nine states to a phone survey conducted in support of the TSCA section 402(a)(3) "Fees Rule." Data were collected from California, Illinois, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and Virginia. States were asked to provide the number of hours per applicant required to perform a variety of administrative tasks under the broader TSCA section 402(a) lead abatement training and certification regulation. While TSCA section 402(a) defines training and certification requirements for five different categories of lead abatement professionals, the type of administrative activities associated with the TSCA section 402(a) rule are similar to those expected for the Renovation, Repair and Painting Rule.

The nine states provided information on the hours required to perform the following administrative activities:

- Application Processing and Recordkeeping
- Fee Transactions and Waivers;
- Issuance of Accreditation/Certification Papers;
- Public Assistance/Outreach;
- Reporting;
- Management; and
- Auditing Training Courses for Training Provider Accreditation Only.

These data were used to estimate the costs of accrediting training providers and certifying firms. In each case, the amount of time necessary to implement the rule was calculated as the simple average of the hours reported by the nine states surveyed for the section 402(a) rule. Hours are reported for three categories of workers: clerical, technical, and managerial. These hourly burden estimates were multiplied by wage rates for each job category to determine the per-entity cost of administering the rule.

Wage rates for administrative staff vary from region to region. EPA used the Office of Personnel Management's General Salary Table 2005-GS to estimate government employee wage rates. The labor rates used were: \$49.44 per hour for managerial staff (GS-13, Step 1), \$34.69 per hour for technical staff

(GS 11, Step 1), and \$21.09 per hour for clerical staff (GS-6, Step 1)<sup>12</sup>. These wage rates were multiplied by the hourly time estimates to derive total unit costs for accreditation and certification.

#### *Agency Cost of Accrediting Training Providers and Processing Training Notifications*

The task of accrediting training providers includes approving curricula and quality assurance/quality control (QA/QC) programs for instructors, and maintaining a database of accredited training providers. The Renovation, Repair and Painting Rule requires that renovators receive formal training on lead-safe work practices from an accredited training provider. In addition, renovators are required to take a refresher course once every three years. EPA, in turn, must accredit training courses by reviewing the curriculum and ensuring that training providers have acceptable quality assurance/quality control (QA/QC) procedures in place to ensure quality instruction by every instructor. EPA will review and document all applications for accreditation, audit training courses, process fees and fee waivers, issue accreditation papers, perform public outreach and assistance, report to overseeing agencies or legislatures, and perform other general program management activities (i.e., budgeting). In addition, EPA will process notifications submitted by training providers prior to and following each course session.

Data on the time required to perform training accreditation activities were available from eight of nine states. The time required to administer the TSCA section 402(a) program varies widely by state. In particular, the amount of time spent auditing training courses differs substantially among respondents. EPA used the simple average of time estimates for all eight responding states to determine the time required to process a single application in a typical state. EPA then adjusted the number of hours spent on auditing training courses to account for the fact that the Renovator course is shorter than the majority of initial abatement training courses. EPA estimates 12 FTE hours will be spent on auditing each training course.

The average time spent performing each of the seven administrative activities associated with accrediting training courses is shown in .

Agency reporting and management costs will apply to all training providers in each year, regardless of whether or not it is an accreditation year. As shown in Exhibit 6.1, there will be 168 training providers accredited in Year 1, 167 in Year 2, and 166 in Year 3. As shown in Exhibit 6.24, it will cost EPA \$301,800 to accredit training providers in the first year of the rule, \$139,944 in Year 2, and \$139,063 in Year 3.

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<sup>12</sup>These wage rates are fully loaded, and were calculated using the standard government multiplier of 1.6 to cover overhead and fringe benefits.  
March 28, 2008

**Exhibit 6.23 Agency Cost Per Unit for Accrediting Training Providers**

	<b>Clerical Hrs. (GS-6, Step 1)</b>	<b>Technical Hrs. (GS-11, Step 1)</b>	<b>Managerial Hrs. (GS-13, Step 1)</b>	<b>Unit Cost</b>
Application Processing and Recordkeeping	1.94	17.3	0	\$641
Auditing Training Courses	0	12	0	\$416
Fee Transactions and Waivers	0.24	0	0	\$5
Issuance of Accreditation Documents	0.79	0	0	\$17
Public Assistance/Outreach	0	5.79	0	\$201
Reporting	0	2.16	0	\$75
Other Management	0	0	8.93	\$441
<b>Total</b>	<b>2.97</b>	<b>37.25</b>	<b>8.93</b>	<b>\$1,796</b>

**Note(s):** numbers may not calculate due to rounding.

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S. OPM 2005.

**Exhibit 6.24 Total EPA Cost of Accrediting Training Providers- 2005 Dollars**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Application Processing and Recordkeeping	\$107,688	\$26,812	\$26,592
Auditing Training Courses	\$69,888	\$17,400	\$17,258
Fee Transactions and Waivers	\$840	\$209	\$207
Issuance of Accreditation Documents	\$2,856	\$711	\$705
Public Assistance/Outreach	\$33,768	\$8,407	\$8,339
Reporting	\$12,588	\$12,537	\$12,472
Other Management	\$74,172	\$73,868	\$73,489
<b>Total</b>	<b>\$301,800</b>	<b>\$139,944</b>	<b>\$139,063</b>

**Note(s):** Numbers may not calculate due to rounding.

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S. Office of Personnel Management: 2005 General Schedule - Base Annual (OPM 2005).

*Agency Costs of Certifying Renovation Firms*

The Renovation, Repair and Painting Rule will require renovation establishments to submit a completed application and fee. For the purpose of estimating costs, it is assumed that EPA will review the certification statement for completeness, review the firm's environmental compliance history, record the establishment's information in a database, and mail a certification form to the establishment.

Data on the time required to perform establishment certification activities were available from six of nine states. The states of California, New Hampshire, and Ohio did not provide any information on the cost of certifying establishments under TSCA §402(a). The time required to administer the section 402(a) program is reasonably consistent among states. The simple average of the six states' data was used to determine the time required to certify an establishment in a typical state.

Exhibit 6.25 provides the average time spent performing six administrative activities associated with certifying establishments. The total unit cost of certifying establishments is \$318 based on these estimates and the above labor rates.

**Exhibit 6.25 Per Unit Costs of Certifying Renovation Establishments**

	<b>Clerical (GS-6, Step 1)</b>	<b>Technical (GS-11, Step 1)</b>	<b>Managerial (GS-13, Step 1)</b>	<b>Unit Cost</b>
Application Processing and Recordkeeping	0.21	1.49	0	\$56
Fee Transactions and Waivers	0.16	0	0	\$3
Issuance of Accreditation Documents	0.12	0	0	\$3
Public Assistance/Outreach	0	1.66	0	\$58
Reporting	0	1.58	0	\$55
Other Management	0	0	2.9	\$143
<b>Total</b>	<b>0.49</b>	<b>4.73</b>	<b>2.9</b>	<b>\$318</b>

**Note(s):** numbers may not calculate due to rounding.

**Sources:** Economic Analysis of the Final Rule (EPA 2008); EPA ICR No. 1715.07; and U.S. OPM 2005.

As described earlier in Exhibit 6.4, it is estimated that 211,721 firms would become certified in Year 1. In Year 2, 42,171 firms are expected to seek certification or re-certification, and in Year 3, 41,998 firms are expected to be certified or re-certified. As shown in Exhibit 6.26, based on these estimates, it will cost EPA \$67 million to certify these firms in Year 1. EPA's costs for firm certifications are estimated to be \$13 million in Year 2, and \$13 million in Year 3.

**Exhibit 6.26 Total Costs of Certifying Renovation Establishments**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<i>Entities Working in Target Housing</i>			
Application Processing and Recordkeeping	\$9,466,856	\$1,885,608	\$1,877,877
Fee Transactions and Waivers	\$507,153	\$101,015	\$100,601
Issuance of Accreditation Documents	\$507,153	\$101,015	\$100,601
Public Assistance/Outreach	\$9,804,958	\$1,952,952	\$1,944,944
Reporting	\$9,297,805	\$1,851,937	\$1,844,344
Other Management	\$24,174,293	\$4,815,036	\$4,795,294
<b>Total</b>	<b>\$53,758,218</b>	<b>\$10,707,562</b>	<b>\$10,663,661</b>
<i>Entities Working in Public or Commercial Building COFs</i>			
Application Processing and Recordkeeping	\$2,389,520	\$475,945	\$473,993
Fee Transactions and Waivers	\$128,010	\$25,497	\$25,392
Issuance of Accreditation Documents	\$128,010	\$25,497	\$25,392
Public Assistance/Outreach	\$2,474,860	\$492,943	\$490,922
Reporting	\$2,346,850	\$467,446	\$465,529
Other Management	\$6,101,810	\$1,215,359	\$1,210,376
<b>Total</b>	<b>\$13,569,060</b>	<b>\$2,702,685</b>	<b>\$2,691,604</b>
<i>Total Cost of Certifying Renovation Establishments</i>			
Application Processing and Recordkeeping	\$11,856,376	\$2,361,553	\$2,351,871
Fee Transactions and Waivers	\$635,163	\$126,512	\$125,993
Issuance of Accreditation Documents	\$635,163	\$126,512	\$125,993
Public Assistance/Outreach	\$12,279,818	\$2,445,894	\$2,435,866
Reporting	\$11,644,655	\$2,319,382	\$2,309,873
Other Management	\$30,276,103	\$6,030,394	\$6,005,670
<b>Total</b>	<b>\$67,327,278</b>	<b>\$13,410,247</b>	<b>\$13,355,265</b>

**Note(s):** Numbers may not calculate due to rounding. Entities working in public or commercial building COFs include contractors and landlords, as well as schools and daycare centers that conduct work in-house.

**Sources:** Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.07.

**6(d) Bottom Line Burden Hours and Cost**

The number of respondents is shown in Exhibit 6.27, and the number of responses in Exhibit 6.28. The respondent burden for the collection of notification information is shown in Exhibit 6.29. The annual paperwork burden over the first three years is estimated to average 1,382,434 hours. The average annual respondent cost for the collection of notification information is shown in and is estimated to be \$44 million. The Agency cost is estimated to average \$32 million per year, as shown in Exhibit 6.31.

**Exhibit 6.27 Number of Respondents**

	Year 1	Year 2	Year 3	Average
Training Providers	168	167	166	167
Certified Firms	211,721	210,853	209,988	210,854
Total	211,889	211,020	210,155	211,021
a. Entities working in public or commercial building COFs include contractors and landlords, as well as schools and daycare centers that perform work in-house.				

**Exhibit 6.28 Number of Responses**

<b>Exhibit 6.29 Respondent Burden Hours</b>				
	Year 1	Year 2	Year 3	Average
Training Provider Initial Accreditation	168	23	23	71
Training Provider Re-Accreditation	0	19	19	12
Training Provider Notification	19,310	3,946	3,928	9,062
Certified Firms	1,803,208	1,160,835	1,156,075	1,373,373
Firm Initial Certification	211,721	37,954	37,798	95,824
Firm Re-Certification	0	4,217	4,200	2,806
Total	2,025,331	1,207,079	1,200,075	1,444,162
a. Entities working in public or commercial building COFs include contractors and landlords, as well as schools and daycare centers that perform work in-house.				

**Exhibit 6.30 Respondent Cost**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Average</b>
Training Providers	\$502,495	\$101,691	\$101,206	\$235,130
Certified Firms	\$57,502,842	\$36,864,815	\$36,713,670	\$43,693,776
<b>Total</b>	<b>\$58,005,336</b>	<b>\$36,966,506</b>	<b>\$36,814,875</b>	<b>\$43,928,906</b>
a. Entities working in public or commercial building COFs include contractors and landlords, as well as schools and daycare centers that perform work in-house.				

**Exhibit 6.31 Agency Cost**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Average</b>
EPA	\$67,629,078	\$13,550,191	\$13,494,329	\$31,557,866

**Exhibit 6.32: Respondent Summary, Three-Year Average**

	<b>Number of Small Respondents</b>	<b>Number of Respondents</b>	<b>Responses per Respondent</b>	<b>Burden per Response (hours)</b>
<i>Training Providers</i>				
Accreditation	67	71	1	15
Reaccreditation	12	12	1	7
Pre-notification	157	167	26	0.16
Re-notification	157	167	3	0.16
Post-notification	157	167	26	1.55
<i>Renovators – Private Firms</i>				
Initial Certification	90,983	92,302	1	8.3
Re-certification	2,664	2,702	1	5.3
Non-Certification Year	106,554	108,100	1	4.8
<i>Renovators – Local Governments</i>				
Initial Certification	3,244	3,522	1	8.3
Re-certification	95	103	1	5.3
Non-Certification Year	3,799	4,125	1	4.8
<i>Pre-Renovation Education</i>				
<i>Landlords working in renter COFs and Contractors working in owner COFs</i>				
Private Firms	15,305	16,434	5.20	0.15
Local Governments	0	0	0	0
<i>Pre-Renovation Education</i>				
<i>Contractors working in renter COFs</i>				
Private Firms	3,150	3,210	1.30	0.25
Local Governments	0	0	0	0
<i>Additional Pre-Renovation Education</i>				
Private Firms	200,201	203,104	0.90	0.05
Local Governments	7,138	7,750	3.65	0.05

The total burden in OMB’s inventory for the existing, approved version of this ICR (EPA ICR No. 1715.09) is 774,740 hours. With the addition of the 1,382,434 hours related to the final rule, the total burden requested for this ICR will be 2,157,174 hours.

### **6(e) Reasons For Changes in Burden**

This amendment would increase the average annual burden by 1,382,434 hours. This change is due to the Lead Renovation, Repair, and Painting rule, which represents a program change.

### **6(f) Burden Statement**

The incremental public burden for this collection of information, which is approved under OMB Control No. 2070-0155, is estimated to average approximately 54 hours per year for training providers. For firms engaged in regulated renovation, repair, and painting activities, the average incremental burden is estimated to be about 6.5 hours per year. According to the Paperwork Reduction Act, “burden” means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For this collection it includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection appears above. In addition, the OMB control numbers for EPA’s regulation, after initial display in the final rule, are listed in 40 CFR part 9.



## **ATTACHMENTS TO THE SUPPORTING STATEMENT**

Attachments to the supporting statement for this rule-related ICR addendum are available in the public docket established for the rulemaking under docket identification number EPA-HQ-OPPT-2005-0049. These attachments are available for online viewing at [www.regulations.gov](http://www.regulations.gov) or otherwise accessed as described in section 6(f) of the supporting statement.

- Attachment 1 Toxic Substances Control Act (TSCA), Sections 402 and 404 (15 USC 2682, 2684)
- Attachment 2 Final Rule: Lead; Renovation, Repair, and Painting Program
- Attachment 3 Application and Instructions for Training Providers - Applying for Accreditation of Lead-Based Paint Activity Training Programs - EPA Form 8500-25
- Attachment 4 Application and Instructions for Firms - Applying for Certification to Conduct Lead-Based Paint Activities - EPA Form 8500-27R
- Attachment 5 Sample Form – Lead-Based Paint Activities Training Notification- (Pre-Training)
- Attachment 6 Sample Form – Lead-Based Paint Activities Post Training Notification
- Attachment 7 Sample Form - Optional Recordkeeping Checklist for Firms
- Attachment 8 Sample Form – Pre-Renovation Form

EPA ICR No. 1715.08; OMB Control No. 2070-0155

ATTACHMENT 1

Toxic Substances Control Act Sections 402 and 404  
15 U.S.C. 2682, 2684

## Sec. 2682. Lead-based paint activities training and certification

### (a) Regulations

#### (1) In general

Not later than 18 months after October 28, 1992, the Administrator shall, in consultation with the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health), promulgate final regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. Such regulations shall contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety. Such regulations shall require that all risk assessment, inspection, and abatement activities performed in target housing shall be performed by certified contractors, as such term is defined in section 4851b of title 42. The provisions of this section shall supersede the provisions set forth under the heading "Lead Abatement Training and Certification" and under the heading "Training Grants" in title III of the Act entitled "An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes", Public Law 102-139 (105 Stat. 765, 42 U.S.C. 4822 note), and upon October 28, 1992, the provisions set forth in such public law under such headings shall cease to have any force and effect.

#### (2) Accreditation of training programs

Final regulations promulgated under paragraph (1) shall contain specific requirements for the accreditation of lead-based paint activities training programs for workers, supervisors, inspectors and planners, and other individuals involved in lead-based paint activities, including, but not limited to, each of the following:

- (A) Minimum requirements for the accreditation of training providers.
- (B) Minimum training curriculum requirements.
- (C) Minimum training hour requirements.
- (D) Minimum hands-on training requirements.
- (E) Minimum trainee competency and proficiency requirements.
- (F) Minimum requirements for training program quality control.

#### (3) Accreditation and certification fees

The Administrator (or the State in the case of an authorized State program) shall impose a fee on -

- (A) persons operating training programs accredited under this subchapter; and
- (B) lead-based paint activities contractors certified in accordance with paragraph (1).

The fees shall be established at such level as is necessary to cover the costs of administering and enforcing the standards and regulations under this section which are applicable to such programs and contractors. The fee shall not be imposed on any State, local government, or nonprofit training program. The Administrator (or the State in the case of an authorized State program) may waive the fee for lead-based paint activities contractors under subparagraph (A) for the purpose of training their own employees.

### (b) Lead-based paint activities

For purposes of this subchapter, the term "lead-based paint activities" means -

- (1) in the case of target housing, risk assessment, inspection, and abatement; and
- (2) in the case of any public building constructed before 1978, commercial building, bridge, or other structure or superstructure, identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges, and demolition. For purposes of paragraph (2), the term "deleading" means activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities.

(c) Renovation and remodeling

(1) Guidelines

In order to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing, public buildings constructed before 1978, and commercial buildings, the Administrator shall, within 18 months after October 28, 1992, promulgate guidelines for the conduct of such renovation and remodeling activities which may create a risk of exposure to dangerous levels of lead. The Administrator shall disseminate such guidelines to persons engaged in such renovation and remodeling through hardware and paint stores, employee organizations, trade groups, State and local agencies, and through other appropriate means.

(2) Study of certification

The Administrator shall conduct a study of the extent to which persons engaged in various types of renovation and remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard on a regular or occasional basis. The Administrator shall complete such study and publish the results thereof within 30 months after October 28, 1992.

(3) Certification determination

Within 4 years after October 28, 1992, the Administrator shall revise the regulations under subsection (a) of this section to apply the regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards. In determining which contractors are engaged in such activities, the Administrator shall utilize the results of the study under paragraph (2) and consult with the representatives of labor organizations, lead-based paint activities contractors, persons engaged in remodeling and renovation, experts in lead health effects, and others. If the Administrator determines that any category of contractors engaged in renovation or remodeling does not require certification, the Administrator shall publish an explanation of the basis for that determination.

## Sec. 2684. Authorized State programs

### (a) Approval

Any State which seeks to administer and enforce the standards, regulations, or other requirements established under section 2682 or 2686 of this title, or both, may, after notice and opportunity for public hearing, develop and submit to the Administrator an application, in such form as the Administrator shall require, for authorization of such a State program. Any such State may also certify to the Administrator at the time of submitting such program that the State program meets the requirements of paragraphs (1) and (2) of subsection (b) of this section. Upon submission of such certification, the State program shall be deemed to be authorized under this section, and shall apply in such State in lieu of the corresponding Federal program under section 2682 or 2686 of this title, or both, as the case may be, until such time as the Administrator disapproves the program or withdraws the authorization.

### (b) Approval or disapproval

Within 180 days following submission of an application under subsection (a) of this section, the Administrator shall approve or disapprove the application. The Administrator may approve the application only if, after notice and after opportunity for public hearing, the Administrator finds that -

- (1) the State program is at least as protective of human health and the environment as the Federal program under section 2682 or 2686 of this title, or both, as the case may be, and
- (2) such State program provides adequate enforcement. Upon authorization of a State program under this section, it shall be unlawful for any person to violate or fail or refuse to comply with any requirement of such program.

### (c) Withdrawal of authorization

If a State is not administering and enforcing a program authorized under this section in compliance with standards, regulations, and other requirements of this subchapter, the Administrator shall so notify the State and, if corrective action is not completed within a reasonable time, not to exceed 180 days, the Administrator shall withdraw authorization of such program and establish a Federal program pursuant to this subchapter.

### (d) Model State program

Within 18 months after October 28, 1992, the Administrator shall promulgate a model State program which may be adopted by any State which seeks to administer and enforce a State program under this subchapter. Such model program shall, to the extent practicable, encourage States to utilize existing State and local certification and accreditation programs and procedures. Such program shall encourage reciprocity among the States with respect to the certification under section 2682 of this title.

### (e) Other State requirements

Nothing in this subchapter shall be construed to prohibit any State or political subdivision thereof from imposing any requirements which are more stringent than those imposed by this subchapter.

### (f) State and local certification

The regulations under this subchapter shall, to the extent appropriate, encourage States to seek program authorization and to use existing State and local certification and accreditation procedures, except that a State or local government shall not require more than 1 certification under this section for any lead-based paint activities contractor to carry out lead-based paint activities in the State or political subdivision thereof.

### (g) Grants to States

The Administrator is authorized to make grants to States to develop and carry out authorized State programs under this section. The grants shall be subject to such terms and conditions as the Administrator may establish to further the purposes of this subchapter.

(h) Enforcement by Administrator

If a State does not have a State program authorized under this section and in effect by the date which is 2 years after promulgation of the regulations under section 2682 or 2686 of this title, the Administrator shall, by such date, establish a Federal program for section 2682 or 2686 of this title (as the case may be) for such State and administer and enforce such program in such State.

**ATTACHMENT 2**

**Supplemental Proposed Rule: Lead; Renovation, Repair, and Painting Program**

This attachment is available as a document in the electronic docket for this ICR at [www.Regulations.gov](http://www.Regulations.gov) (EPA-HQ-OPPT-2005-0049).

### **ATTACHMENT 3**

#### **Application and Instructions for Training Providers- Applying for Accreditation of Lead-Based Paint Activity Training Programs - EPA Form 8500-25**

For an electronic copy of the Training Provider Application Form and Instructions, go to <http://www.epa.gov/lead/pubs/trainapp.pdf>.



**ATTACHMENT 4**

**Application and Instructions for Firms- Applying for Certification to Conduct Lead-Based  
Paint Activities - EPA Form 8500-27**

For an electronic copy of the Firm Application Form and Instructions, go to  
<http://www.epa.gov/lead/pubs/firmapp.pdf>.

**ATTACHMENT 5**

**Sample Form - Lead-Based Paint Activities Training Notification- (Pre-Training)**

For an electronic copy of the Training Notification Sample Form, go to  
<http://www.epa.gov/lead/pubs/form2-pre-training.pdf>.

**ATTACHMENT 6**

**Sample Form - Lead-Based Paint Activities Post Training Notification**

For an electronic copy of the Training Notification Sample Form, go to  
<http://www.epa.gov/lead/pubs/form3-post-training.pdf>.

**ATTACHMENT 7**

**Optional Recordkeeping Checklist for Firms**

**Draft optional Recordkeeping Checklist for Firms:**

Name of Firm: \_\_\_\_\_

Date and Location of Renovation: \_\_\_\_\_

Brief Description of Renovation: \_\_\_\_\_

Name of Assigned Renovator: \_\_\_\_\_

Name(s) of Trained Workers, if used: \_\_\_\_\_

Name of Dust Sampling Technician, Inspector, or Risk Assessor, if used: \_\_\_\_\_

Copies of renovator and dust sampling technician qualifications (training certificates, certifications) on file.

Certified renovator provided training to workers on (check all that apply):

- |                         |   |
|-------------------------|---|
| Posting warning signs   | Setting up plastic containment barriers   |
| Maintaining containment | Avoiding spread of dust to adjacent areas |
| Waste handling          | Post-renovation cleaning                  |

Test kits used by certified renovator to determine whether lead was present on components affected by renovation (identify kits used and describe sampling locations and results): \_\_\_\_\_

Warning signs posted at entrance to work area.

Work area contained to prevent spread of dust and debris

All objects in the work area removed or covered (interiors)

HVAC ducts in the work area closed and covered (interiors)

Windows in the work area closed (interiors)

Windows in and within 20 feet of the work area closed (exteriors)

Doors in the work area closed and sealed (interiors)

Doors in and within 20 feet of the work area closed and sealed (exteriors)

Doors that must be used in the work area covered to allow passage but prevent spread of dust

Floors in the work area covered with taped-down plastic (interiors)

Ground covered by plastic extending 10 feet from work area—plastic anchored to building and weighted down by heavy objects (exteriors)

If necessary, vertical containment installed to prevent migration of dust and debris to adjacent property (exteriors)

Waste contained on-site and while being transported off-site

Work site properly cleaned after renovation

All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal

Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)

Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used): \_\_\_\_\_

\_\_\_\_\_ If dust clearance testing was performed instead, attach a copy of report.

I certify under penalty of law that the above information is true and complete.

\_\_\_\_\_ name and title

\_\_\_\_\_ date

**ATTACHMENT 8**

**Sample Form – Pre-Renovation Form**

For an electronic copy of the Pre-Renovation Sample Form, go to  
<http://www.epa.gov/lead/pubs/pre-renovationform.pdf>