

**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: Proposed ICR Amendment for Rulemaking entitled “Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Proposed Rule”

ICR No. EPA ICR No. 2381.01; OMB 2070-NEW

1(b) Short Characterization/Abstract

The following information collection request (ICR) covers addresses the paperwork requirements contained in a proposed rule (RIN 2070-AJ57) that would amend EPA’s 2008 lead-based paint renovation, repair, and painting (RRP) rule (73 FR 21692). The 2008 RRP rule established reporting, recordkeeping, and third-party notification 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. The paperwork requirements of the 2008 RRP rule are addressed in an ICR entitled, *Final Rule Addendum to an Existing EPA ICR Entitled: TSCA Sections 402/404 Training and Certification, Accreditation, and Standards for Lead-Based Paint Activities* (EPA ICR No. 1715.10, OMB Control No. 2070-0155). EPA is proposing amendments to the 2008 RRP final rule that would require firms to perform dust wipe testing after many renovations. Under the proposed rule, a report containing the results of the testing would have to be provided to building owners and occupants. For a subset of the renovation jobs covered by the proposed rule, renovation firms would also be required to demonstrate through dust wipe testing that dust-lead levels remaining in the work area are below regulatory levels. This rule-related Information Collection Request (ICR) addresses the incremental paperwork activities and burden related to the proposed rule amendments.

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.

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 firms, States, and training providers, 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 2008 RRP 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. Under the proposed rule, firms would be required to perform dust wipe testing after many renovations covered by the 2008 RRP rule. A report containing the results of the testing would have to be developed and provided to building owners and occupants. For a subset of jobs involving demolition or removal of plaster through destructive means or the disturbance of paint using machines designed to remove paint through high-speed operation, such as power sanders or abrasive blasters, the proposal would also require the renovation firm to demonstrate, through dust wipe testing and a report containing the results, that dust-lead levels remaining in the work area are below regulatory levels.

States. Under TSCA section 404, EPA must review and assess State submissions to determine whether to grant authorization to administer a program addressing training, certification, accreditation and standards for LBP activities. A State seeking authorization will need to 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 need to provide a report to EPA on their activities. The proposed rule would make minor modifications to the minimum elements required for State programs in order to demonstrate that they are at least as protective as the Federal program.

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. The proposed rule would make several minor modifications to the accreditation application package requirements and the notification requirements.

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

April 16, 2010

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.”

Section 407 of TSCA states that regulations issued under Title IV of TSCA 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

Owners and Occupants of Target Housing and Child-occupied Facilities

The proposed rule would require firms to perform dust wipe testing after many renovations covered by the 2008 RRP rule. A report containing the results of the testing would have to be provided to building owners and occupants. For building owners and occupants, the information contained in the dust wipe testing report is likely to improve their understanding and awareness of dust-lead hazards. It will also greatly improve their ability to make further risk management decisions, such as whether to do additional specialized cleaning or other lead hazard control work. This information is particularly critical where dust lead levels approach or exceed the regulatory hazard standards. For the subset of jobs where the renovation firm would be required to demonstrate that dust-lead levels remaining in the work area are below regulatory levels, the dust wipe testing report would provide valuable confirmation that there are no dust-lead hazards remaining in the renovation work area.

EPA

This information collection will provide EPA with the materials necessary to authorize State renovation, repair, and painting programs, as TSCA Title IV directs, and to serve as the accrediting and certifying body in States without authorized programs.

April 16, 2010

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. This collection is necessary to demonstrate to EPA/States and building owners/occupants that trained individuals have successfully conducted renovations in a way that minimizes potential harm to occupants, thereby implementing the objective of TSCA Title IV.

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 will be a critical part of EPA's compliance monitoring and enforcement activities. The proposed rule would make several minor modifications to the training provider accreditation application package requirements and the training provider notification requirements. These modifications will improve the ability of EPA and the States to administer training accreditation programs.

The records renovation firms have to compile and retain are necessary as a reference for building owners/occupants, EPA or authorized entities. The records 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 402/404/406/407 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 serves as the public notice for this ICR addendum. Interested parties should submit comments to the address listed at the end of this document. Responses will be taken into account in developing the final rulemaking.

3(c) Consultations

During the development of the 2008 RRP rule, the Agency 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 RRP proposal and the preamble to the 2007 supplemental notice of proposed rulemaking. Summaries and transcripts of meetings with stakeholders can be found in the rulemaking docket (EPA-HQ-OPPT-2005-0049), which can be accessed on the Internet at www.regulations.gov.

3(d) Effects of Less Frequent Collection

April 16, 2010

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, and provide specific notification and documentation prior to commencement and upon completion of each course, and each renovation activity requiring that firms provide specific documentation to owners/occupants is a separate and unique event. 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. Firms are required to maintain records for three years and training providers to maintain records for three and one-half years. Authorized States must report once a year for the first three years, and biannually thereafter. The proposed rule would require training providers to maintain records of renovation and dust sampling technician training courses for five years, because five years is the length of the refresher training cycle for certified renovators and dust sampling technicians.

3(f) Confidentiality

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

3(g) Sensitive Questions

Neither the existing regulations nor the proposed rule amendments address questions of a sensitive nature.

4. The Respondents and the Information Requested

4(a) Respondents/NAICS Codes

Respondents for the reporting, third-party notification and recordkeeping requirements of this proposed rule include: 1) firms and individuals engaged in residential renovations, 2) firms and individuals engaged in renovations in child-occupied facilities, and 3) training programs providing training services in lead-based paint activities and renovations. 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 proposed 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

April 16, 2010

611110 Elementary and Secondary Schools
611519 Other Technical and Trade Schools
624410 Child Day Care Services

4(b) Information Requested

The existing renovation regulations specify reporting and record keeping for training providers and individuals/firms undertaking renovation activities. The proposed rule is expected to increase the number of dust sampling technicians expected to seek certification and training and, accordingly, the number of training providers expected to seek accreditation to provide dust sampling technician training.

(i) Data Items

Training Providers

To gain accreditation, training providers must submit the following documents to EPA/State, using either the sample 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.

On occasion, training providers may later amend their accreditation application to add or modify information. The proposed rule would provide clarification on when this is required and how it must be accomplished. Accredited training providers must apply for re-accreditation every four years.

To comply with the 2008 RRP rule, training providers 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). Training providers must use either the sample form entitled "Lead-Based Paint Activities and Renovation Training Notification" 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/refresher), 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 Activities and Renovation Post-Training Notification" or a similar form containing the required

April 16, 2010

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 Digital photograph
 - 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 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.

Under the 2008 RRP rule (and as approved under OMB Control No. 2070-0155), 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

April 16, 2010

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. Additionally, firms conducting renovations are 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.

Under the proposed rule, firms performing renovations in regulated buildings would also be required to perform dust wipe testing for a subset of renovation activities, and to perform dust wipe testing and achieve clearance for a second subset of renovation activities. After performing dust wipe testing, the certified dust sampling technician would be required to prepare a dust wipe testing report and provide it to the renovation firm within three days of the date that the dust wipe test results are obtained. If the dust wipe test results are to be determined by a fixed-site laboratory, the samples would have to be sent to the laboratory within one business day of the date they are collected. The dust wipe testing or clearance report would have to include:

- The name and signature of each certified person collecting the samples or performing the testing;
- The name and address of each certified firm employing the persons conducting the sampling or testing;
- The start and completion dates of the renovation;
- A brief written description of the renovation;
- The results of the visual inspection to determine whether dust or debris is present in the work area before testing;
- A detailed written description of the specific sampling or testing locations or a detailed drawing that clearly identifies the location of each sample or test;
- The name of the NLLAP-recognized entity analyzing the results;
- The results of each sample or test; and
- The clearance standard that is applicable to each sample or test.

The renovation firm would also be required to provide a copy of the dust wipe testing or clearance report to the owner of the affected building, and if different, to the occupant of a rented space or operator of a child-occupied facility. The firm would have to keep a copy of the report for three years following the completion of the renovation.

States

In order to obtain authorization from EPA to administer and enforce a renovation, repair, and painting 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.

Authorized States 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.

(ii) Respondent Activities

The proposed rule is expected to increase the number of dust sampling technicians that seek training and, accordingly, the number of training providers that will seek accreditation to provide dust sampling technician training. Training providers will perform the following activities:

- read the regulation;
- prepare and submit an accreditation application to accrediting entity;
- amend accreditation application as needed;
- 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.

The proposed rule will require renovation firms to perform dust wipe testing and prepare and distribute a report containing the results to the owners and occupants. Firms will perform the following activities:

- Dust wipe testing;
- If samples are collected, ship the samples to the laboratory;
- Prepare a dust wipe testing report; and
- Send the report to the owners and occupants.

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 proposed rule:

- Receive, review, and act on applications for accreditation and amended applications from training providers; and
- Receive, review, and file initial, update, and course completion notices and digital photographs of trainees from training providers.

5(b) Collection Methodology and Management

For purposes of this proposed 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.

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 2008 RRP rule, the Agency convened a Small Business Advocacy Review Panel under the Regulatory Flexibility Act. More information on the

April 16, 2010

Panel, and the Agency's assessment of the impacts on small businesses, can be found in the preamble to the 2008 RRP rule.

5(d) Collection Schedule

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

- Training programs may apply for accreditation at any time;
- Training programs must amend their applications when information changes;
- Training programs must seek re-accreditation at four-year intervals following initial accreditation;
- Training programs submit notification of training to EPA before each course;
- Training programs submit post-training notification to EPA after each course;
- Firms may apply for certification at any time;
- Firms must amend their applications when information changes;
- Firms must seek re-certification at five-year intervals following initial certification;
- Renovators and dust sampling technicians may take training at any time;
- Renovators and dust sampling technicians must take refresher training at five-year intervals following initial training;
- States may apply for authorization at any time;
- Authorized States must report once a year for the first three years, and biannually thereafter.

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 proposed revisions to the 2008 RRP rule. The baseline paperwork activities and burden estimates related to the 2008 RRP rule are accounted for in the existing, approved ICR (EPA ICR No. 1715.10; OMB Control 2070-0155). The estimates of the number of entities subject to this proposed rule's requirements and the unit burden and cost of the requirements were adopted from the ICR supporting statement for the 2008 RRP rule (i.e., EPA ICR No. 1715.10), 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, and from the *Economic Analysis of the Proposed Dust Testing and Clearance Amendments to the TSCA Lead Renovation, Repair, and Painting Program for Target Housing and Child-Occupied Facilities* (EPA 2010). This supporting statement provides burden and cost estimates for the first three years of the program. All costs are presented in year 2008 dollars.

The proposed LRRP Clearance Rule includes the following changes to the LRRP program: (1) a requirement to perform dust wipe testing for a subset of renovation activities, and (2) a requirement to perform dust wipe testing and achieve clearance for a second subset of renovation activities where the quantity and characteristics of the dust make it hard to clean up.

April 16, 2010

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. The paperwork burden associated with reporting and recordkeeping for these two types of respondents is estimated separately. The notification 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. For renovation firms, the information collection burden estimates include the time to perform dust sampling, prepare reports, ship samples to the lab, and notify the appropriate parties.

Training Providers

To comply with the 2008 RRP 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 accredited to provide lead abatement training, will be accredited to provide dust sampling technician 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 157, are small. It is assumed that Training Providers will spend eight hours¹ 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. EPA estimates that, over the first three years of implementation of the proposed rule amendments, an annual average of 71 training providers would seek initial accreditation, 12 training providers would seek re-accreditation, and 83 training providers would simply maintain records associated with their existing accreditation. Regardless of the accreditation or re-accreditation year, each training provider will spend one additional hour of clerical time each year on annual recordkeeping associated with accreditation (as shown in Exhibit 6.1, 168 recordkeeping hours in year 1, 167 hours in year 2, and 166 hours in year 3).

Exhibit 6.1 presents the estimation of training provider burden for accreditation. In year 1, it is assumed that 168 training providers will seek initial accreditation. For each year thereafter, one quarter of the necessary stock of training providers will seek accreditation. Based on EPA's Federal Lead-Based Paint Program (FLPP) database, fifty-five percent of that quarter will seek initial accreditation, and the remainder will seek re-accreditation. 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 is required at least 7 business days prior to the start of a lead-based paint activities course. Re-notification is required if the course date changes. Within 10 days

¹ Time assumptions are based on information provided in EPA's (2008) *Supporting Statement for OMB Review under The Paperwork Reduction Act: TSCA Sections 402/404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities*. (EPA ICR No. 1715.10, OMB Control No:2070-0155).

April 16, 2010

of course completion, training providers are 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 2008 LRRP rule (EPA 2008) for details.) The numbers of notification events were rounded upwards to reflect the possibility that some courses will be undersubscribed. There is one pre-notification 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 dust sampling technician upon initial and refresher training. The estimated time burden associated with taking and processing each photo is 3 minutes per photo (EPA 2008), or 1.25 hours per training course with 25 individuals.

As presented below in Exhibit 6.3, the burden for all training providers is estimated to be 29,047 hours in Year 1 of the regulation, 6,075 hours in Year 2, and 6,038 hours in Year 3. (The burden drops to reflect the decrease in the number of dust sampling technicians 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 burden for training providers over the three years covered by this ICR is 13,720 hours.

Exhibit 6.1 Training Providers: Accreditation Burden Estimates

Number of Training Providers

	Year 1	Year 2	Year 3	Avg.
Receiving Initial Accreditation	168	23	23	71
Receiving Re-Accreditation	0	19	19	12
<i>Accreditation Subtotal</i>	<i>168</i>	<i>42</i>	<i>41</i>	<i>84</i>
Already Accredited	0	125	125	83
Total	168	167	166	167

Accreditation/Re-Accreditation Burden- Hours per Training Provider

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

Total Accreditation Burden- Hours

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

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

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	53	11	11	25	0.15	0.01	0.16
Re-notification	6	1	1	3	0.15	0.01	0.16
Post-notification	53	11	11	25	1.54	0.01	1.55
<i>Total Notifications</i>	<i>112</i>	<i>23</i>	<i>23</i>	<i>53</i>			
Digital Photo	53	11	11	25	1.25	0.00	1.25
Annual Activities	165	34	34	78			

Notification Burden Hours per Training Provider

Year 1	Year 2	Year 3
158	33	33

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
26,527	5,473	5,440

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

Digital photos are accounted for as part of the post-notification responses.

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010).

Exhibit 6.3 Total Training Provider Burden

	Year 1	Year 2	Year 3	Average
Accreditation Burden	2,520	602	598	1,240
Notification Burden	26,527	5,473	5,440	12,480
Total Burden	29,047	6,075	6,038	13,720

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

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010).

Renovation, Repair, and Painting Firms – Burden Related to Dust Wipe Testing and Clearance

The proposed LRRP Clearance Rule requires entities performing renovations in regulated buildings to perform dust wipe testing for a subset of renovation activities, and to perform dust wipe testing and achieve clearance for a second subset of renovation activities.

After performing dust wipe testing, the certified dust sampling technician is required to prepare a dust wipe testing report and provide it to the renovation firm within three days of the date that the dust wipe test results are obtained. If the dust wipe test results are to be determined by a fixed-site laboratory, the samples have to be sent to the laboratory within one business day of the date they are collected. The

dust wipe testing or clearance report would include the name and signature of each certified person collecting the samples or performing the testing, the name and address of each certified firm employing the persons conducting the sampling or testing, the start and completion dates of the renovation, a brief written description of the renovation, the results of the visual inspection, a detailed written description of the specific sampling or testing locations or a detailed drawing that clearly identifies the location of each sample or test, the name of the NLLAP-recognized entity analyzing the results, the results of each sample or test, and the clearance standard that is applicable to each sample or test.

The renovation firm is required to provide a copy of the dust wipe testing report to the owner of the affected building, and if different, to the occupant of a rented space or operator of a child-occupied facility. EPA estimates that dust sampling technicians will spend an average of 0.83 hours during each sampling event collecting samples (based on a typical time of 0.19 hours per sample), and about 54 minutes preparing the report. EPA also estimates that renovators will spend five minutes shipping samples or reports.

Number of RRP Firms and Events Performed

As discussed in detail in Section 4.4 of the Economic Analysis for the Clearance Proposed Rule (EPA 2010), 224,955 entities are expected to perform RRP events requiring dust wipe testing or clearance achievement in Year 1. Exhibit 6.4 presents the number of regulated firms that are expected to incur costs as a result of the proposed rule. Exhibit 6.4 also presents the estimated number of events requiring dust wipe testing or clearance achievement these firms will perform. Events are presented by type of RRP entity.

Exhibit 6.4: RRP Firms Performing Dust Wipe Testing or Clearance

	Year 1	Year 2	Year 3
<i>Number of Affected Firms</i>			
Residential Contractors	223,821	222,903	221,989
Public or Comm. Building Operator ^a	686	683	680
Non-Residential Contractors ^b	448	446	444
Total - All Firms	224,955	224,032	223,113

Source(s): Economic Analysis for the Clearance Proposed Rule (EPA 2010).

a. RRP is performed by the owner of a public or commercial building where a COF is located.

b. RRP is performed by a contractor in a public or commercial building COF.

Estimated Burden per Event

The burden attributed to renovation firms includes the time required to perform the dust sampling, ship the samples to the laboratory, and prepare and send a summary report to the necessary parties.

All renovation firms are required to provide a copy of the dust wipe testing report to the owner and if different, the occupant of the building being renovated or the operator of the child-occupied facility.

EPA assumes that renovation firms working in residential housing will have certified dust sampling technicians on staff to perform the dust sampling and report preparation activities. Residential contractors are estimated to perform an average of 7 renovations per year where dust wipe testing will be required, with an average burden of 1.8 hours per event.

Entities performing work in public and commercial building child-occupied facilities are expected to hire third-party lead evaluation firms to perform dust sampling. Therefore, these entities will only incur a labor burden of 5 minutes for shipping the dust sampling report to owners and occupants. The cost of hiring a third-party firm is accounted for as a material cost.

Exhibit 6.5 shows the three-year average annual number of respondents to the dust sampling and clearance requirements. During the three year span of this ICR, it is estimated that an average of 224,033 entities, of which 223,188 are small, are estimated to incur costs of complying with the dust sampling and clearance requirements.

Exhibit 6.5: Average Annual Number of Dust Wipe Testing Respondents, Responses per Respondent, and Burden per Response

	Number of Small Respondents	Number of Respondents	Responses per Respondent	Burden per Response (hours)
<i>Private Firms</i>				
Residential Contractors	222,347	222,904	7.13	1.80
Entities working in Public or Commercial Bldg COF ^a	696	857	1	0.08
<i>Local Government</i>				
Public School Districts	145	272	1	0.08

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010).

a. RRP is performed in a public or commercial building COF.

Estimated Total Burden

Exhibit 6.6 presents the total burden and cost to respondents resulting from the dust wipe testing requirements. Total respondent burden was estimated by multiplying the numbers of RRP events by the corresponding per event burden estimates.

Exhibit 6.6: Total Dust Wipe Testing Burden Due to the Rule

Total Burden Hours

	Year 1	Year 2	Year 3
<i>Average Burden Hours per Response</i>			
Residential Contractors	1.80	1.80	1.80
Public or Comm. Building Operators ^a	0.08	0.08	0.08
Non-Residential Contractors ^b	0.08	0.08	0.08
All Firms	1.80	1.80	1.80
<i>Total Burden Hours</i>			
Residential Contractors	2,878,970	2,867,166	2,855,411
Public or Comm. Building Operators ^a	57	57	57
Non-Residential Contractors ^b	37	37	37
Total - All Events	2,879,064	2,867,260	2,855,505

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

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010).

a. RRP is performed by the owner of a public or commercial building where a COF is located.

b. RRP is performed by a contractor in a public or commercial building COF.

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)². Following are the wage rates used in this analysis, which are fully loaded (i.e., include fringe benefits and overhead), and are in 2008 US dollars:

Training Provider Clerical Time	\$25.56/hr
Training Provider Professional Time	\$48.67/hr
RRP Firm Wage Rate	\$34.92/hr ³

Training Providers

The loaded wage rate for training provider clerical staff is \$25.56 per hour. The loaded wage rate for professional training staff is \$48.67 per hour. It is assumed that professional staff will familiarize themselves with the rule and will prepare the accreditation statement. Material costs of accreditation include one postage stamp (\$0.42), one envelope (\$0.02), and two copies (\$0.18). Clerical staff will prepare and mail notifications and will perform recordkeeping activities. Training provider notification costs also include \$0.42 per postage stamp and \$0.02 per envelope for mailing notifications and \$0.09 per one page copy of each notification for the firm's records. Training providers are also required to take a digital photo of each dust sampling technician receiving certification. The use of a one-time digital camera costs \$20.58 per 25 photos⁴ and takes approximately three minutes per photo or 1.25 hours per 25 photos.

Exhibit 6.7 estimates the annual accreditation costs for training providers and Exhibit 6.8 estimates the annual cost for training provider notifications. As shown in Exhibit 6.9, total training provider costs are estimated to be \$977,586 in the first year of the rule, \$202,306 in the second year, and \$201,056 in the third year. The average annual cost over the three years covered by the ICR is \$460,316. This yields an average cost of \$2,747 per training provider.

²U.S. Bureau of Labor Statistics. 2008. Occupational Employment Statistics Series.

³ Certified renovators' fully loaded wages (\$34.92/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.

⁴ The analysis assumes a total cost of \$2.00 per photo; adjusted for inflation, this equates to a material cost of \$19.91 for 25 photos.

Exhibit 6.7 Training Providers: Accreditation Cost Estimates

Number of Training Providers

	Year 1	Year 2	Year 3	Avg.
Receiving Initial Accreditation	168	23	23	71
Receiving Re-Accreditation	0	19	19	12
<i>Subtotal</i>	<i>168</i>	<i>42</i>	<i>41</i>	<i>84</i>
Already Accredited	0	125	125	83
Total	168	167	166	167

Accreditation/Re-Accreditation Cost per Training Provider – 2008 Dollars

	Accreditation Year	Re-Accreditation Year	Other Years
Rule Familiarization	\$389.34	\$0.00	\$0.00
Accreditation Statement	\$194.67	\$194.67	\$0.00
Clerical Time- Statement	\$51.11	\$51.11	\$0.00
Clerical Time- Recordkeeping	\$25.56	\$25.56	\$25.56
Material Costs	\$0.62	\$0.62	\$0.00
Total Cost	\$661.30	\$271.96	\$25.56

Total Accreditation Cost - 2008 Dollars

	Year 1	Year 2	Year 3
Rule Familiarization	\$65,409	\$8,957	\$8,884
Accreditation Statement	\$32,705	\$8,143	\$8,076
Clerical Time- Statement	\$8,586	\$2,138	\$2,120
Clerical Time- Recordkeeping	\$4,294	\$4,276	\$4,255
Material Costs	\$104	\$26	\$26
Total	\$111,098	\$23,540	\$23,360

Sources: Economic Analysis for the Final Rule (EPA 2008); EPA ICR No. 1715.10; and U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2008).

Exhibit 6.8 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	53	11	11	25	\$3.83	\$0.26	\$0.53	\$4.62
Re-notification	6	1	1	3	\$3.83	\$0.26	\$0.53	\$4.62
Post-notification	53	11	11	25	\$39.36	\$0.26	\$0.53	\$40.14
Digital Photo	53	11	11	25	\$31.94	\$0.00	\$19.91	\$52.00

Cost per Training Provider

Year 1	Year 2	Year 3
\$5,158	\$1,070	\$1,070

Training Providers per Year

Year 1	Year 2	Year 3
168	167	166

Total Cost per Year

Year 1	Year 2	Year 3
\$866,487	\$178,767	\$177,696

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

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010); EPA ICR No. 1715.10; and U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2008).

Exhibit 6.9 Total Training Provider Costs - 2008 Dollars

	Year 1	Year 2	Year 3	Average
Accreditation Cost	\$111,098	\$23,540	\$23,360	\$52,666
Notification Cost	\$866,487	\$178,767	\$177,696	\$407,650
Total Cost	\$977,586	\$202,306	\$201,056	\$460,316

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

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010); EPA ICR No. 1715.09; and U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2008).

RRP Firms – Costs Related to Dust Wipe Testing Requirements

After performing dust wipe testing, the certified dust sampling technician is required to prepare a dust wipe testing report and provide it to the renovation firm within three days of the date that the dust wipe test results are obtained. If the dust wipe test results are to be determined by a fixed-site laboratory, the samples have to be sent to the laboratory within one business day of the date they are collected. The dust wipe testing or clearance report would include the name and signature of each certified person collecting the samples or performing the testing, the name and address of each certified firm employing the persons conducting the sampling or testing, the start and completion dates of the renovation, a brief written description of the renovation, the results of the visual inspection, a detailed written description of the specific sampling or testing locations or a detailed drawing that clearly identifies the location of each

sample or test, the name of the NLLAP-recognized entity analyzing the results, the results of each sample or test, and the clearance standard that is applicable to each sample or test.

The renovation firm is required to provide a copy of the dust wipe testing report to the owner of the affected building, and if different, to the occupant of a rented space or operator of a child-occupied facility.

In addition to the time needed to collect dust wipe samples, ship them to the lab, and prepare and mail a summary report, entities performing RRP events will also incur the costs of the lab analysis, dust wipe sample materials, shipping charges, and report materials. Based on a survey of nine establishments, EPA estimates a lab cost of \$19.00 per sample. EPA estimates the cost of the dust wipes to be \$0.25 per wipe. Based on per-page photocopy costs, EPA estimates that a single copy of the dust wipe testing report (assumed to average four pages in length, accounting for a one page job description, one page of lab results, one page for a diagram of sample locations, and one additional page to account for the instances where more than three pages might be necessary, such as a renovation event occurring in multiple rooms) costs \$0.36. EPA estimates a shipping cost of \$4.95 based on the rate for Priority Mail using the U.S. Postal Service. After events requiring clearance to be achieved, EPA assumes renovation firms will send reports via overnight mail; EPA estimates the overnight shipping cost to be \$15.68.

EPA assumes that renovation firms working in residential housing will have certified dust sampling technicians on staff to perform the dust sampling and report preparation activities. Entities performing work in public and commercial building child-occupied facilities are expected to hire third-party lead evaluation firms to perform dust sampling. Therefore, these entities will incur labor costs associated with sending the dust sampling report to building owners and operators, whereas the cost of hiring a third-party firm is accounted for as a material cost. Exhibit 6.10 presents resulting average per-entity costs.

Exhibit 6.10 Average Cost per Entity

	Year 1	Year 2	Year 3
<i>Average Labor Cost per Entity</i>			
Residential Contractors	\$449.17	\$449.17	\$449.17
Public or Comm. Bldg Operators ^a	\$2.91	\$2.91	\$2.91
Non-Residential Contractors ^b	\$2.91	\$2.91	\$2.91
All Firms	\$446.92	\$446.92	\$446.92
<i>Average Material Cost per Entity</i>			
Residential Contractors	\$674.30	\$674.30	\$674.30
Public or Comm. Bldg Operators ^a	\$493.35	\$493.35	\$493.35
Non-Residential Contractors ^b	\$480.27	\$480.27	\$480.27
All Firms	\$673.36	\$673.36	\$673.36
<i>Total Cost per Entity</i>			
Residential Contractors	\$1,123.47	\$1,123.47	\$1,123.47
Public or Comm. Bldg Operators ^a	\$496.26	\$496.26	\$496.26
Non-Residential Contractors ^b	\$483.18	\$483.18	\$483.18
All Firms	\$1,120.28	\$1,120.28	\$1,120.28

a. RRP is performed by the owner of a public or commercial building where a COF is located.

b. RRP is performed by a contractor in a public or commercial building COF.

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010).

Exhibit 6.11 presents the estimated total costs of the dust wipe testing requirements to entities performing RRP events. RRP firms will incur time burden and material costs, presented in Exhibit 6.6 and Exhibit 6.10, respectively. To estimate total labor costs associated with dust wipe testing, the total burden estimates in Exhibit 6.6 were multiplied by the loaded wage rate for clerical staff (\$34.92 per hour). Total material costs were estimated by multiplying the numbers of entities in Exhibit 6.4 by the corresponding per-entity dust wipe testing cost estimates in Exhibit 6.10.

Exhibit 6.11 Total Costs Associated with the Dust Wipe Testing Requirements

	Year 1	Year 2	Year 3
<i>Total Labor Cost</i>			
Residential Contractors	\$100,533,679	\$100,121,341	\$99,710,799
Public or Comm. Bldg Operators	\$1,996	\$1,988	\$1,979
Non-Residential Contractors	\$1,304	\$1,298	\$1,292
Total - All Entities	\$100,536,889	\$100,124,381	\$99,713,662
<i>Total Materials Cost</i>			
Residential Contractors	\$150,922,500	\$150,303,493	\$149,687,183
Public or Comm. Bldg Operators	\$338,438	\$336,958	\$335,478
Non-Residential Contractors	\$215,161	\$214,200	\$213,240
Total - All Entities	\$151,475,699	\$150,854,188	\$150,235,370
<i>Total Cost</i>			
Residential Contractors	\$251,456,179	\$250,424,833	\$249,397,982
Public or Comm. Bldg Operators	\$340,434	\$338,946	\$337,457
Non-Residential Contractors	\$216,465	\$215,498	\$214,532
Total - All Entities	\$252,012,587	\$250,978,569	\$249,949,032

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010); EPA ICR No. 1669.04 (2004); U.S. Bureau of Labor Statistics Occupational Employment Statistics Series (2008)

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.

EPA will incur costs to process training provider accreditations and notifications for dust sampling technician training. To reduce the burden on the regulated community, EPA does not require formal certification for dust sampling technicians (this cost is implicit in the fee charged to renovation firms). However, EPA will incur incremental costs of contractor support and database maintenance as a result of the increase in dust sampling technician certification.

For the purpose of estimating costs, it is assumed that EPA Regions will incur variable processing costs, and fixed administrative and enforcement costs. Regional administrative activities include answering phone inquires from the public regarding the LRRP program, following up on the status of applications, providing information to other regions, coordinating with headquarters, and performing other customer service activities. Enforcement activities include conducting audits of training providers and firms. In addition, it is assumed that EPA Headquarters will incur fixed administrative costs related

April 16, 2010

to coordination with regions and maintenance of the central database and registry. EPA Headquarters will also support enforcement activities.

Accreditation cost estimates are based on responses from a Time-Motion Study conducted in support of the 2009 Economic Analysis for the TSCA section 402 Lead-Based Paint Program Accreditation and Certification Fee Rule (i.e., the 2009 Fee Rule). In the Time-Motion Study, data were collected from three EPA Regions: Region 2, Region 4, and Region 9. Regions were asked to provide the number of hours and personnel required to process applications under the TSCA section 402(a) Lead-Based Paint Activities program (i.e., the Abatement Rule). 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 2008 RRP Rule. See the 2009 Fee Rule for an in-depth explanation of fee structure methodology and calculations.

Agency Costs of Accrediting Training Providers

To estimate cost of processing accreditation applications for the 2008 RRP rule, EPA followed the approach used to estimate these costs for the Abatement rule. To estimate these costs, EPA first considered the variable and fixed costs associated with each applicant type. The variable costs reflect the regional processing costs for each application type. The fixed costs include the regional and headquarters administrative and enforcement costs, which apply across all the applications. EPA divided the total regional enforcement and administrative costs and the headquarters costs by the total estimated number of applicants over the five year projection period for the 2008 RRP Rule.

Exhibit 6.12 presents the Agency cost per training provider developed in the Economic Analysis for the Fee Rule.

Exhibit 6.12 Fee Schedule for Accrediting Training Providers

	Calculated Fee	Actual Fee
Estimated Initial Accreditation	\$558	\$560
Estimated Re-Accreditation	\$398	\$400

Sources: *The Economic Analysis for the TSCA section 402 Lead-Based Paint Program Accreditation and Certification Fee Rule* (EPA 2009)

As described earlier in Exhibit 6.1, it is estimated that 168 training providers would become accredited in Year 1. In Year 2, 42 training providers are expected to seek accreditation or re-accreditation, and in Year 3, 41 training providers are expected to be accredited or re-accredited. As shown in Exhibit 6.13, based on these estimates, it will cost EPA less than \$0.1 million to process dust sampling technician notifications in Year 1. EPA's costs for notification processing are estimated to approximately \$20,500 in Years 2 and 3.

Exhibit 6.13 Total Costs of Training Provider Accreditations

	Year 1	Year 2	Year 3
Initial Accreditation	168	23	23
Re-Accreditation	0	19	19
Total Cost of Accreditation	\$94,080	\$20,480	\$20,480

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

Sources: Analysis for Clearance Proposed Rule (EPA 2010); *The Economic Analysis for the TSCA section 402 Lead-Based Paint Program Accreditation and Certification Fee Rule* (EPA 2009)

Agency Cost of Processing Training Notifications

EPA will incur the cost of processing notifications submitted by training providers prior to and following each course session. It is assumed that EPA technical staff with a fully loaded hourly wage of \$36.91⁵ will spend an average of two minutes processing each notification.

It is estimated that there will be 18,876 training notifications in Year 1, 3,894 in Year 2, and 3,871 in Year 3. As shown in Exhibit 6.14, it will cost EPA \$23,226 to process training notifications in the first year of the rule, \$4,792 in Year 2, and \$4,763 in Year 3.

Exhibit 6.14 Total EPA Cost of Training Notifications – 2008 Dollars

	Year 1	Year 2	Year 3
Process Training Notification	\$23,226	\$4,792	\$4,763
Total	\$23,226	\$4,792	\$4,763

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

Sources: Economic Analysis for the Clearance Proposed Rule (EPA 2010); U.S. Office of Personnel Management: 2008 General Schedule - Base Annual (OPM 2008).

Agency Costs of Certifying Dust Sampling Technicians

Under the 2008 RRP Rule, dust sampling technicians are not required to apply to EPA for formal certification. However, EPA Headquarters will incur administrative costs related to contract support and maintenance of the central database and registry. EPA estimates the contractor support cost to be \$5 per dust sampling technician notification. Central database maintenance, which is a fixed cost, is spread across all dust sampling technicians.

To estimate the costs of processing notifications for the 2008 RRP rule, EPA followed the approach used to estimate the costs of processing notifications for the Abatement rule. To estimate these costs EPA considered both the variable and fixed costs associated with each applicant type. The variable costs reflect the regional processing costs for each application type. The fixed costs include the regional and headquarters administrative and enforcement costs, which apply across all the applications. EPA divided the total regional enforcement and administrative costs and the headquarters costs by the total estimated number of applicants over the five year period that the training is valid.

⁵ EPA used the Office of Personnel Management’s General Salary Table 2008-GS to estimate government employee wage rates. EPA used the wage for a GS-11, Step 1 employee and loaded the wage using the standard government multiplier of 1.6 to cover overhead and fringe benefits.

Fixed costs for sampling technicians were estimated by dividing the headquarters administrative costs by the total number of applicants over the five year period that the training is valid to obtain an estimated cost of \$6⁶. As sampling technicians are not required to obtain formal certification, their costs are recouped by the fee charged to RRP firms. See the 2009 Fee Rule for an in-depth explanation of fee structure methodology and calculations. Exhibit 6.15 presents the Agency cost per dust sampling technician developed in the Economic Analysis for the Fee Rule.

Exhibit 6.15 Agency Costs for Processing Dust Sampling Technician Notifications

	Total Cost
Estimated Cost Per Initial Training	\$6
Estimated Cost Per Refresher Training	\$6

Sources: *The Economic Analysis for the TSCA section 402 Lead-Based Paint Program Accreditation and Certification Fee Rule* (EPA 2009)

It is estimated that 223,821 dust sampling technicians would become certified in Year 1. In Year 2, 44,581 technicians are expected to seek certification or re-certification, and in Year 3, 44,398 technicians are expected to be certified or re-certified. As shown in Exhibit 6.16, based on these estimates, it will cost EPA \$1.3 million to process dust sampling technician notifications in Year 1. EPA's costs for notification processing are estimated to be less than \$0.3 million in Years 2 and 3.

Exhibit 6.16 Total Costs of Dust Sampling Technician Notifications

	Year 1	Year 2	Year 3
Dust Sampling Technicians	223,821	44,581	44,398
Total Cost	\$1,342,926	\$267,486	\$266,388

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

Sources: *Analysis for Clearance Proposed Rule* (EPA 2010); *The Economic Analysis for the TSCA section 402 Lead-Based Paint Program Accreditation and Certification Fee Rule* (EPA 2009)

6(d) Bottom Line Burden Hours and Cost

The number of respondents is shown in Exhibit 6.17, and the number of responses in Exhibit 6.18. The respondent burden for the collection of notification information is shown in Exhibit 6.19. The annual paperwork burden over the first three years is estimated to average 2,880,994 hours. The average annual respondent cost for the collection of notification information is shown in Exhibit 6.20 and is estimated to be \$250 million. The Agency cost is estimated to average \$0.7 million per year, as shown in Exhibit 6.21.

⁶ See *Economic Analysis for the TSCA Section 402 Lead-Based Paint Program Accreditation and Certification Fee Rule* (EPA, 2009).

Exhibit 6.17 Number of Respondents

	Year 1	Year 2	Year 3	Average
Training Providers	168	167	166	167
RRP Firms	224,955	224,032	223,113	224,033
Total	225,123	224,199	223,279	224,200

Exhibit 6.18 Number of Responses

Exhibit 6.19 Respondent Burden Hours

	Year 1	Year 2	Year 3	Average
Training Provider Accreditation	168	167	166	167
Training Provider Notifications	18,876	3,894	3,871	8,880
Training Provider Accreditation	520	603	602	575
RRP Firm Events	1,596,990	1,590,442	1,583,921	1,590,451
Training Providers Notifications	26,527	5,473	5,240	7,747
Total	1,618,024	1,594,378	1,587,834	1,599,412
RRP Firms	2,079,064	2,867,260	2,855,505	2,867,276
Total	2,908,111	2,873,336	2,861,547	2,880,996

Exhibit 6.20 Respondent Cost

	Year 1	Year 2	Year 3	Average
Training Provider Accreditation	\$111,098	\$23,540	\$23,360	\$52,666
Training Providers Notifications	\$866,487	\$178,767	\$177,696	\$407,650
RRP Firms	\$252,012,587	\$250,978,569	\$249,949,032	\$250,980,063
Total	\$252,990,173	\$251,180,875	\$250,150,088	\$251,440,379

Exhibit 6.21 Agency Cost

	Year 1	Year 2	Year 3	Average
EPA	\$1,460,232	\$292,690	\$291,396	\$681,439

Exhibit 6.22: Respondent Summary, Three-Year Average

	Number of Small Respondents	Number of Respondents	Responses per Respondent	Burden per Response (hours)	Annual Burden
<i>Training Providers – Existing Respondents, Additional Responses Accreditation</i>					
Accreditation	67	71	1	15.00	1,069
Re-Accreditation	12	12	1	7.00	87
Non-Accreditation	78	83	1	1.00	83
<i>Training Providers - Existing Respondents, Additional Responses Dust Sampling Technician Notifications</i>					
Pre-notification	157	167	25	0.16	670
Re-notification	157	167	3	0.16	80
Post-notification	157	167	25	1.55	6,493
Digital Photos	157	167	25	1.25	5,236
<i>Private Firms</i>					
Residential Contractors	222,347	222,904	7.13	1.80	2,867,182
Entities working in Pub./Comm. Bldg COFs	696	857	1	0.08	71
<i>Local Governments</i>					
Public School Districts	145	272	1	0.08	23
Note(s): Numbers may not calculate due to rounding. Burden calculations are incremental increases relative to the ICR addressing the paperwork requirements of the 2008 RRP final rule (EPA No. 1715.10; 2070-0155).					

6(e) Reasons For Changes in Burden

The annual paperwork burden associated with the proposed clearance and clearance testing amendments is estimated to be 2,880,994 hours (based on the calculations presented in Ex. 6.22) and reflects a program change increase. These changes would, in some cases, increase the number of respondents, and in other cases increase the number of events, for certain information collection activities

Additional Respondents Needing Accreditation

EPA estimates that an additional 167 training providers would become accredited to offer dust sampling technician training as a result of the proposed rule, and therefore add a corresponding 167 annual responses. Of these 167 annual responses, EPA estimates that there will be 71 new initial accreditation responses, 12 re-accreditation responses, and 83 non-accreditation year recordkeeping responses. The addition of these new responses is expected to increase the annual accreditation burden by 1,069 hours for training providers seeking initial accreditation, 87 hours for training providers seeking re-accreditation, and 83 hours for training providers engaged in non-accreditation year recordkeeping activities.

Additional Training Events

In direct relation to the increased number of dust sampling technicians that will be required to be trained and certified, training providers are expected to hold an additional 25 courses per year to accommodate the increase in the number of new respondents seeking training. Training providers are required to notify EPA before and after course completion, and in some instances re-notify if course rosters/schedules change. Therefore, EPA has increased the estimated number of pre-course and post-

April 16, 2010

course notifications per firm each by 25, and the number of re-notifications per firm by 3. The annual notification burden for training providers related to these additional courses is expected to increase by 670 hours for pre-course notification, 80 hours for re-notifications, and 11,729 hours for post-course notification (including digital photographs).

Dust Wipe Testing and Clearance Requirements

Under the proposed rule, renovation firms will be required to perform dust wipe testing or clearance for a subset of renovation events. The requirements associated with performing dust wipe testing and providing owners and occupants with a dust wipe testing report is expected to increase the annual labor burden on renovation firms by 2,867,182 hours.

6(f) Burden Statement

The public burden for this collection of information is estimated to average approximately 82 hours per year for training providers. For renovation firms, the average incremental burden is estimated to be about 12.8 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.

The Agency has established a public docket for the proposed rule under Docket ID No. EPA-HQ-OPPT-2005-0049, which is available for online viewing at www.regulations.gov, or in person viewing at the Pollution Prevention and Toxics Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the EPA West Building, Room 3334, 1301 Constitution Ave., N.W., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280. You may submit comments regarding the Agency’s need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques.

Submit your comments, referencing Docket ID No. EPA-HQ-OPPT-2005-0049 and OMB Control No. 2070-NEW, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

April 16, 2010

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 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

April 16, 2010

EPA ICR No. 2381.01; OMB Control No. 2070-NEW

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.

April 16, 2010

EPA ICR No. 2381.01; OMB Control No. 2070-NEW

ATTACHMENT 2

Final 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 (EPA-HQ-OPPT-2005-0049).