

EPA ICR No. 1710.08; OMB Control No. 2070-0151

ATTACHMENT 8

Copy of Consultations Message Sent by EPA to Potential Respondents

On December 20, 2017, EPA published a Notice in the Federal Register (82 FR 60396) titled “Renewal of Agency Information Collection Activities Residential Lead-Based Paint Hazard Disclosure Requirements EPA ICR No. 1710.08 (OMB Control No. 2070-0151.” (See <https://www.regulations.gov/docket?D=EPA-HQ-OPPT-2017-0631>.) This Notice refers to EPA’s intention to request renewed Office of Management and Budget (OMB) clearance of an information collection related to the regulation set forth in 40 CFR 745, Subpart F and 24 CFR 35, Subpart H titled “Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property.”

The regulation requires sellers, lessors and their agents to: (1) disclose all known lead-based paint (LBP) and LBP hazards to potential buyers and lessees before the selling or leasing of target (pre-1978) housing; (2) disclose any and all LBP and LBP hazard information such as LBP inspection reports, risk assessments, elevated blood lead level reports and other data; (3) provide purchasers and lessees with a federally-approved lead hazard information pamphlet such as “Protect Your Family From Lead in Your Home”; (4) provide purchasers with a 10-day opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards before the purchaser is obligated under any purchase contract; and (5) retain and maintain records of these disclosure activities for a minimum of 3 years. Further, the records must include the signed and dated disclosure forms and a list of available records and reports.

In addition to public notice and comment requirement that the above Notice initiates, OMB regulations at 5 CFR 1320.8(d)(1) require agencies to consult with potential respondents and data users about specific aspects of an information collection request (ICR) before submitting it to OMB for review and approval, regardless, in the case of ICR renewals, of whether changes have or have not been made to the collection activity.

As part of this required consultation, I am contacting you to solicit your input. Please note that if you take this opportunity to provide input, your name, affiliation, e-mail address, phone number and any information you provide (e.g., copies of e-mails) will be incorporated and attached to the ICR supporting statement, which will be a public document. In addition, the OMB Desk Examiner for the ICR in question may contact you to verify the accuracy of any comments EPA identifies in the ICR.

The requirements under this regulation directly impact the members of your organization. As such, EPA solicits your input on the attached questions.

To access the Federal Register Notice, the ICR supporting document, and any public comments received to date, go to:

- o <https://www.regulations.gov>
- o enter EPA-HQ-OPPT-2017-0631 in the Enter Keyword or ID field
- o click on "Search"
- o then click on any of the documents listed within the docket to read the document; you will be most interested in the Supporting Statement, identified by its title beginning "Information Collection Request..."

Your response will be greatly appreciated. If you have any comments in response to the questions below, or with respect to any other part of the information collection, please respond by return e-mail by February 20, 2018 via email to John D. Wilkins, Sr. at wilkins.john@epa.gov. EPA will consider those responses, as well as any public comment received in response to the Federal Register Notice identified above, in preparing a final document for OMB review. Thank you for your assistance.

Lead-Based Paint Disclosure Regulation ICR Renewal Questionnaire

Time and Cost Burden

1. How much time does it take for you or your staff to distribute the lead hazard information pamphlet, and give the Lead-Based Paint and Lead-Based Paint Hazard reports to potential buyers and potential lessees?
2. Do you encounter a financial burden in acquiring, or printing/photocopying, or maintaining an inventory of lead hazard information pamphlets and copies of reports related to Lead-Based Paint and Lead-Based Paint Hazards?
 - a. If so, what is the financial burden to you?
3. Do you understand that you are required to maintain in your records for 3 years, copies of the acknowledgment forms/receipts, and lead related certifications that the buyers or lessees are required to receive?
4. How much time does it take for you or your staff to document and file acknowledgment forms/receipts, and lead related certifications?
5. Do you encounter a financial burden maintaining these acknowledgment forms/receipts, and lead related certifications, and copies of reports related of Lead-Based Paint and Lead-Based Paint Hazards?
 - a. If so, what is the financial burden to you?
6. How much time did it take you and your staff to understand your responsibilities and the actions which must occur before any sale or lease of target housing?
7. Do you have any other suggestions or comments on how to proceed with the disclosure of the information required above?
8. Do you have any comments on the updated burden analysis contained in the draft ICR Renewal?

Electronic Reporting and Recordkeeping:

9. Are you interested in using, or are you currently utilizing, electronic reporting/recordkeeping options?

10. Do you have any other suggestions or comments on the reporting and recordkeeping requirements?

In General

11. Do you have any other comments or suggestions about the regulation in general?

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