

**Supporting Statement for an Information Collection Request (ICR)
Under the Paperwork Reduction Act (PRA)**

EXECUTIVE SUMMARY

Identification of the Information Collection - Title and Numbers

Title: Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels; Final Rule (RIN 2070-AK91)

EPA ICR No.: 2760.02

OMB Control No.: 2070-0227

Docket ID No.: EPA-HQ-OPPT-2023-0231

Abstract

This ICR addresses information collection activities associated with a rule EPA is promulgating to lower the dust-lead hazard standards and dust-lead clearance levels as part of the Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement rule. As part of the final rule and due to feedback from public comments, EPA is finalizing changes to the nomenclature of dust-lead hazard standards and dust-lead clearance levels, to dust-lead reportable level and dust-lead action level. Part of this rulemaking is updating the regulatory definition of target housing. Within section 237(a) through (c) of Title II of Division K of the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, 131 Stat. 788 and 789), Congress amended HUD and EPA's statutory definitions of target housing to include 0-bedroom dwellings if a child under the age of 6 is a resident. The change to the definition of target housing in 40 CFR 745.103 and 40 CFR 745.223 would conform to the statutory language by defining target housing as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing). Additionally, EPA is requiring submissions for application payments, applications, and notices to be done electronically.

This ICR addresses the information collection activities and related incremental burden related to the rule. The covered information collection activities associated with the reporting and recordkeeping requirements for the submission of application payments, applications, and notices for those who are conducting lead-based paint (LBP) activities, commonly referred to as abatements. Entities potentially affected by this ICR include persons who are engaged in LBP activities and/or perform renovations of target housing or child-occupied facilities (COFs) for compensation, dust sampling, or dust testing; or who perform LBP inspections, lead hazard screens, risk assessments or abatements in target housing or COFs; or who provide training or operate a training program for individuals who perform any of these activities; or state, territorial or Native American agencies that administer LBP activities and/or renovation programs. It will also cover the information collection activities associated with the reporting and recordkeeping requirements for sellers, lessors, and their agents' disclosure activities in target housing including the

allowance of up to ten days for an optional risk assessment or inspection before being obligated under purchase or lease contract.

Summary Table

IC Category	Total Number of Responses	Total Number of Respondents	Response per Respondent	Annual Burden (hours)	Total Cost (\$)
IC 1: Abatement Workers, certification/accreditation	1,927	1,927	1	1,739	\$305,947
IC 2: LBP firms, pre-abatement reports, protection plans, etc.	13,447	2,256	6	7,927	\$362,630
IC 3: RRP firms, pre- and post-renovation paperwork & recordkeeping	5,932	1,977	3	623	\$31,154
IC 4: LBP training class time	1,927	1,927	1	12,596	\$573,914
IC 5: Agent, Seller, Offeror, and Tenant Disclosure, etc.	7,663	3,040	2.5	337	\$13,910
Total	30,896	9,200	N/A	23,222	\$1,287,555
Agency	--	--	--	--	--

SUPPORTING STATEMENT

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

TSCA Section 402-404:

The related legal authority is the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq., with related requirements provided in 40 CFR part 745. The various applicable sections are provided in the References and are briefly summarized here along with their implementing regulations.

TSCA section 402(a) and 402(c)(3) require EPA to develop and administer a training and certification program as well as work practice standards for persons who perform LBP activities and/or renovations. The current regulations in 40 CFR part 745, subpart E cover work practice standards, recordkeeping and reporting requirements, individual and firm certification, and enforcement for renovations done in target housing or COFs. The current regulations in 40 CFR part 745, subpart L cover inspections, lead hazard screens, risk assessments, and abatement activities (referred to as “LBP activities”) performed in target housing and COFs.

In addition, the EPA has developed extensive guidance and other materials that are available at <http://www.epa.gov/lead>.

The following provides a general overview for requirements covered in this ICR for each entity. Please note that the information being collected will now be submitted electronically only. Requiring applications, payments, and notifications to be submitted electronically improves clarity and uniformity for users and EPA employees alike:

Firms: Firms that wish to engage in renovations or LBP activities in target housing or COFs must obtain certification from the EPA or their authorized program. This includes firms consisting only of one self-employed individual. To receive certification, a firm must prepare and submit an application electronically to the EPA or their authorized state, territory or tribe (see Attachment 1) along with the required fee. Firms must re-certify electronically every five years. Additionally, application fee payments must be submitted electronically.

Certified firms must notify the EPA electronically prior to beginning LBP abatement activities (except in emergency situations) and provide an updated notice if needed, using either the sample form titled "Notification of Lead-Based Paint Abatement Activities" EPA Form 9600-052 (see Attachment 2) or a similar form containing the required information.

Individuals: Individuals who wish to perform LBP activities or renovations in target housing or COFs must also receive certification from the EPA or their authorized program. To obtain certification, an individual must complete an accredited training course and receive a course completion certificate, pass a third-party certification exam, and meet specific education/experience requirements. Individuals who wish to perform renovations in target housing or COFs acquire certification once they complete a renovator course and pass a final exam.

Individuals certified to perform LBP activities must take a refresher course and apply for re-certification electronically every three years (five for individuals who have passed a proficiency test as part of their training) (see Attachment 1 and 3) along with the required fee which must be submitted electronically. Renovators will need to complete a renovator refresher course every 3 or 5 years, depending on whether or not their previous course had a hands-on component. Renovators who take a refresher course online recertify every 3 years, while those who take an in-person course must recertify after 5 years. The rule also requires individuals to develop records of the LBP activities and renovations they undertake to demonstrate compliance with standards and provide a written record for future reference. These notification and recordkeeping requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections. Should notification and records need to be submitted to EPA, they must be done so electronically.

Training providers: Training programs seeking to offer training for inspectors, risk assessors, project designers, abatement supervisors, abatement workers, renovators or dust sampling technicians must obtain EPA or authorized program accreditation. In order for the EPA to have the information necessary to

evaluate and accredit the training programs, training providers must prepare and electronically submit application packages (see Attachment 1 and 2). Training providers who wish to provide LBP training online must apply for an additional accreditation. This requires the electronic submission of an application, supporting materials (including access to the online curriculum) along with the required fee. An expedited process is available if a trainer is seeking to provide E-learning training for a discipline they are already accredited to teach in person. This expedited process is only available if the trainer is using an E-learning curriculum already approved by EPA. An expedited application requires a cover letter, a training provider application to amend their accreditation, and an online course quality control (QC) plan that addresses the required E-learning course specifications. This package must be submitted electronically. Additionally, application payments must be done electronically.

Once accredited, if there are any changes in the information submitted on the application, the training provider must submit an amendment electronically to the EPA, as applicable. Training programs also must maintain certain records related to their students and the qualifications of their training personnel. Training programs are required to electronically notify the EPA (i) prior to providing training courses, and (ii) following completion of training courses. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information to track compliance activity and to prioritize inspections. Training programs must electronically apply for re-accreditation every four years and electronically pay the appropriate fees.

Before giving an LBP activity training, training providers must provide notification to the EPA, using EPA's Central Data Exchange (CDX), by submitting the sample form entitled "Lead-Based Paint Activities and Renovation Training Notification" EPA Form 9600-050 (see Attachment 4). Following completion of LBP activities training providers must provide notice using EPA's CDX system by submitting the sample form entitled "Lead-Based Paint Activities and Renovation Post-Training Notification" EPA Form 9600-051 (see Attachment 5).

Section 1018 of Title X

Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the Act) (42 U.S.C. 4852d) (Title X) directs the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) to issue regulations requiring disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phase out of residential lead-based paint use in 1978. Under that authority, EPA and HUD established requirements at 40 CFR 745, Subpart F and 24 CFR 35, Subpart A. More details are provided in Unit 2(a) of this Supporting Statement.

The current regulations in 40 CFR part 745, subpart F cover the types of regulated sale and lease transactions in target housing, the disclosure requirements, and the recordkeeping requirements.). EPA and HUD jointly administer and enforce the rule and have agreed to maintain a single ICR for these information collection activities.

In addition, the EPA has developed extensive guidance and other materials that are available at <https://www.epa.gov/lead>.

The following provides a general overview for requirements covered in this ICR for each entity:

Sellers of Pre-1978 Residential Housing: The rule requires that sellers of pre-1978 housing (1) provide an EPA approved lead hazard information pamphlet to contract offerors, and (2) complete and attach a disclosure form to their sales contracts. A sample form is provided in the preamble to the regulations, but only the information elements are required, each respondent can develop its own form. The form must be signed by the seller, purchaser, and any agent(s) acting on behalf of the seller.

Lessors of Pre-1978 Residential Housing: The rule requires lessors of pre-1978 housing to (1) provide an EPA approved lead hazard information pamphlet to lessees, and (2) complete and attach a disclosure form to their leasing contracts. Again, while a sample form is provided, each respondent is permitted to develop its own form. The form must be signed by the lessor and any agent(s) acting on behalf of the lessor. The form must then be retained by the lessor, and any agents acting on their behalf.

Agents Acting On Behalf of Sellers or Lessors: Section 1018 of the Act specifically directs EPA to require agents acting on behalf of sellers or lessors to ensure compliance with the disclosure regulations.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.

TSCA Section 402-404:

EPA: This information collection provides the EPA with materials necessary to authorize renovation and LBP activities programs in states, territories, or tribes and to serve as the accrediting and certifying body in jurisdictions without authorized programs (discussed further below).

EPA/Authorized Programs: This collection enables the EPA/authorized programs to determine compliance with and enforce the requirements for training, certification, accreditation, and work practice standards for renovations and LBP activities. Without this collection, there would be no meaningful way of ensuring the implementation of the statutory objective: to ensure that trained individuals conduct renovations and LBP activities in such a way as to minimize potential harm to occupants.

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 EPA/authorized programs require for these activities are central to the activity. In addition, the 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 the EPA's compliance monitoring and enforcement activities.

The re-certification and re-accreditation requirements for individuals and training programs are meant to ensure that training programs incorporate new developments and technologies in their courses so that individuals are adequately trained. The EPA believes this will ensure that individuals and firms conduct renovations and LBP activities in the safest and most effective manner.

The records individuals and firms must compile and retain are necessary as a reference for building owners/occupants, EPA or authorized entities. These records demonstrate that the activities are done in a safe and effective manner, according to the minimum work practice standards established by the rules. These recordkeeping requirements are also necessary to permit the EPA to target its enforcement activities and to ensure compliance within the contracting and training community.

Section 1018 of Title X

The information collection activities covered by this ICR are necessary components of the Lead Program established under the Title X mandates. The third-party disclosure requirements that are contained in the regulations are specifically mandated by section 1018 of the Act. The recordkeeping requirements contained in the regulations are necessary for ensuring compliance with the provisions of the regulations.

Owners/Occupants of target housing. The third-party disclosure requirements attempt to ensure that families receive both specific information on the housing's lead history and general information on lead exposure prevention. With this information, consumers may be able to make more informed decisions concerning home purchase, lease, and maintenance to protect families from lead hazard exposure.

EPA, HUD, Local Governments. The recordkeeping requirements enable EPA and HUD, as well as tribal governments, state and local regulators and the courts, to both determine compliance and effectively enforce section 1018 and the provisions of the rule. In addition, the Act provides a private cause of action for persons harmed by violations of section 1018, and records kept pursuant to this rule may be important evidence for these parties.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

TSCA Section 402-404:

The EPA will make use of an existing technology, the Central Data Exchange (CDX), to simplify the application, application payment, and notification processes. Electronic submissions of applications, application payments, and notifications are now required. EPA believes there is little addition burden to training providers, firms, and lead abatement individuals from requiring application and notification submissions via CDX: approximately 90 percent of notifications are already submitted through CDX.

There is no specific submission method defining how to submit applications in EPA's LBP regulations. To address this ambiguity, EPA is now requiring electronic submissions of applications. In 2016, the US Treasury Department stopped accepting paper checks for payment of fees associated with renovation, repair and painting (RRP) or abatement programs. To conform with this change, EPA is now requiring electronic payments. To provide uniformity across the LBP program, EPA also is requiring abatement and training notifications to be submitted electronically.

Section 1018 of Title X

The EPA will make use of existing technology to simplify the application and notification processes where available. However, due to the requirements outlined in this ICR, electronic submissions are not generally applicable as submissions are not required to the Agency. Responses to consultations can be sent via electronic mail or other means by preference of the respondent.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

TSCA Section 402-404:

The EPA's collection pursuant to the TSCA 402/404/406/407 regulations do not duplicate any other collection. For LBP activities and renovations, or associated authorized program approval process, 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 target housing or COFs.

Section 1018 of Title X

The third-party disclosure and recordkeeping requirements covered by this ICR are unique and are not in any way duplicated by another information collection.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

TSCA Section 402-404

The EPA believes that the regulatory requirements do not unduly burden small businesses. The certification process for firms and individuals is very simple. The EPA allows flexibility in the way that information is prepared and presented, such that small businesses can adopt the least burdensome practices for their situation. The EPA's Central Data Exchange (CDX) must be used in these instances as well as for submissions of notifications.

Section 1018 of Title X

The affected population for this rule is largely comprised of small entities, and all of the requirements have been crafted to maximize flexibility. EPA and HUD have also developed guidance and a sample form to further facilitate and assist small entities with compliance.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

TSCA Section 402-404

Due to the nature of the renovation and LBP activities regulations and their related information collection activities, each activity is a separate and unique event requiring specific notification and documentation.

Under the renovation and LBP activities regulations, individuals and firms must obtain certification and re-certification, each training program must obtain accreditation and re-accreditation as well as specific notification and documentation prior to commencement and upon completion of each LBP activity and renovation course. EPA's final rule in 2016 (Lead-based Paint Programs: Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements Final Rule, 81 FR 7987, Feb. 17, 2016) revised the renovator training notification requirements to require notifications less frequently for renovator refresher trainings without a hands-on component, and therefore resulted in less frequent information collection activities. Program approval for states is a one-time activity, although there is ongoing reporting. EPA believes further revisions to regulations that would result in less frequent collection would result in EPA being limited or denied the opportunity to monitor whether activities are being performed correctly due to the delay in notifications being received by the Agency until after events occur. Similarly, certification or accreditation applications being submitted require information which EPA uses to determine if accreditation or certification is granted. Due to the nature of the application information needed, less frequent collection would be detrimental to the accreditation/certification process.

Section 1018 of Title X

The third-party disclosure is transaction specific and only occurs when the regulated entities are engaged in a specific transaction, i.e., the sale or lease of target housing.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

- a) requiring respondents to report information to the agency more often than quarterly;
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c) requiring respondents to submit more than an original and two copies of any document;
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The collection does not create special circumstances requiring justification under 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside EPA to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

EPA developed proposed changes to the Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels rule and published them in the Federal Register for public comment (88 FR 50444, August 1, 2023). The proposed rulemaking served as the public notice for this ICR amendment, which is available in the public docket. Interested parties were directed to submit comments referencing Docket ID No. EPA-HQ-OPPT-2023-0231. The request for comments on the information collection was at 88 FR 50476. The final rule, Economic Analysis, and ICR were developed with consideration of comments received from the public in response to the notice of proposed rulemaking.

EPA has developed a Response to Comments document that summarizes the comments received and EPA's responses that were not included and responded to in the preamble. This document is available in the docket for the rulemaking (EPA-HQ-OPPT-2023-0231). In addition, a summary of the comment received on the ICR, and EPA's response are summarized below.

EPA did not receive comments on the cost or hour burden of the information collection.

While not specifically commenting on the information collection, one commenter (EPA-HQ-OPPT-2023-0231-0527) requested that EPA continue to allow lead-abatement professionals to submit payments and applications in hard-copy instead of requiring them to be submitted electronically, to accommodate members of the workforce with limited technological proficiency or access.

EPA disagrees that it should continue to allow payments, applications, and notifications to be submitted in hard copy. The U.S. Treasury Department began requiring electronic payment of fees for the lead abatement and lead renovation, repair and painting programs in 2016. Therefore, EPA has amended its lead-based paint regulations to require payments to be made only electronically via CDX or a successor platform. Given that respondents must be able to make payments electronically (due to the existing Treasury Department requirements), they already have the necessary access and technological proficiency.

Therefore, EPA believes it is appropriate to require them to also submit applications and notifications electronically. This will also reduce EPA's costs for maintaining a fax machine and for data entry to enter information submitted in hard copy into the Agency's FLPP database.

Two commenters (EPA-HQ-OPPT-2023-0231-0438 and EPA-HQ-OPPT-2023-0231-0523) made statements about EPA's electronic reporting system, the Central Data Exchange (CDX). One stated that many users still find CDX to be cumbersome to use with little effective assistance in navigation. The commenter suggested that EPA should review this system and determine if user ease can be improved. The other stated that EPA should consider reviewing and modernizing the CDX system to make it simpler for the end user. EPA proposed and has finalized requiring applications to be submitted electronically to conform with the U.S. Treasury Departments change and to streamline the application process. In response to the comment regarding updating the CDX platform, EPA responded stating it would be taken into consideration during and after the implementation of the final rule. In addition, a help desk is available to those using the CDX platform (<https://cdx.epa.gov/contactus.asp#:~:text=Call%20our%20toll%2Dfree%20line,at%20helpdesk%40epacdx.net.>).

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

This question is not applicable to this ICR.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

TSCA Section 402-404

The regulations for the TSCA Section 402 and Section 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities and Renovation, Repair, and Painting do not address questions of a confidential nature. However, to the extent information submitted by respondents is business confidential, procedures are in place to protect the information from improper disclosure consistent with section 14 of TSCA; 40 CFR part 2, subpart B; and 40 CFR part 703.

Pursuant to the provisions of the Privacy Act of 1974, EPA published a System of Record Notice for the Federal Lead-Based Paint Program (FLPP) database. The FLPP database supports the application process for the accreditation of training providers and the certification of firms and individual who perform abatement and renovations, repair and painting activities. The FLPP database receives applications (online using EPA's Central Data Exchange (CDX) or via data entry into the database system), manages the workflow, develops data-driven letters, and certificates for individual applicants. Training providers, firms and individuals must submit their applications online using CDX and pay required fees using Treasury's Pay.gov system. Also, firms and training providers must submit their abatement, pre-training and post-training notifications using CDX. Renovation, Repair and Painting Program (RRP) post-training notifications require a picture of workers trained and must be submitted with the post-training notification using CDX. The FLPP database was developed using ColdFusion MX10 for the public search tool and Java (Tomcat) as the tunnels to the Oracle (OFM) database. The database is hosted on a cluster of virtual machines' (VM) servers at EPA's National Computer Center in Research Triangle Park, NC.

Section 1018 of Title X

This collection does not require the disclosure or retention of confidential information. The third-party disclosure requirements also comply with the provisions of the Privacy Act of 1974 and OMB Circular A-108.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

EPA asks no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- a) **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- b) **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- c) **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out**

or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'

The respondents, the information collection activities and estimates for burden and costs related with those activities are described below for each information collection activity. For IC #1 through IC #4, note that ranges presented for the number of responses are based on two different scenarios considered in the rulemaking's economic analysis for the number of abatements conducted each year. (These are referred to as the State Blood Lead Level scenario and the Blood Lead Reference Value (3.5 µg/dl) scenario.) Resultantly, total burden hours and total costs for each IC also are presented as a range. The actual values are expected to fall between these lower and upper bounds and therefore the midpoint is used as a summary statistic.

TSCA Section 402-404

The LBP activities and RRP regulations specify reporting and recordkeeping for training providers and individuals/firms undertaking LBP activities and/or renovations in target housing and COFs.

IC #1: Individuals performing LBP abatement activities; certification and accreditation / reporting and recordkeeping

The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements are described below:

562910 Remediation Services

Individuals who wish to perform LBP activities in target housing or COFs must receive certification from the EPA or an authorized program. To obtain certification, an individual must complete an accredited training course and receive a course completion certificate, pass a third-party certification exam, meet specific education and experience requirements, and demonstrate this to EPA or to states or Tribes that are authorized to run their own programs. The rule also requires individuals to develop records of the LBP activities they undertake to demonstrate compliance with standards and provide a written record for future reference.

EPA estimates that 1,304 to 2,551 additional full-time abatement workers will be employed as a result of this action and expects they will each complete certification and reporting and recordkeeping every 3 years.

IC# 1. Individuals performing LBP abatement activities; certification and accreditation / reporting and recordkeeping					
Data Element (w/ hyperlinks)	Form	Incremental Responses	Avg. Burden per Response (hours)	Annualized Burden (hours)	Total Cost
<u>Individuals performing LBP abatement activities; certification and accreditation / reporting and recordkeeping & CDX registration</u>	EPA 747-B-99-002	1,304 - 2,551	2.707273137	1,177 - 2,302	\$206,987 - \$404,906
Total (range)		1,304 - 2,551	2.707273137	1,177 - 2,302	\$206,987 - \$404,906
Total (point estimate)		1,927	2.707273137	1,739	\$305,947
These burdens are related to similar types of information collection activities for pre-existing rules covered by IC #3 in EPA ICR No. 2507.05, OMB Control Number 2070-0195 (Lead Training, Certification, Accreditation and Authorization Activities).(Attachment 6)					

IC #2: LBP activity firm pre-abatement reports and occupant protection plans, abatement activity notifications, post-abatement reports and recordkeeping

The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements are described below:

562910 Remediation Services

In the performance of LBP activities, firms and individuals must complete and retain a number of reports (contingent on the activity conducted), including an inspection report, a lead hazard screen report, a risk assessment report, an occupant protection plan, and an abatement report. Certified firms must notify the EPA prior to beginning LBP abatement activities (except in emergency situations) and provide an updated notice if needed, using either the sample form titled “Notification of Lead-Based Paint Abatement Activities” EPA Form 9600-052(see Attachment 2) or a similar form containing the required information.

EPA estimates that 1,779 to 2,687 additional pre-abatement notifications, occupant protection plans, and post-abatement reports will incrementally result from this action. Furthermore, abatement firms will be required to perform an additional 25 risk assessment and lead hazard screen reports due the expansion of the target housing definition.

IC# 2. LBP activity firm pre-abatement reports and occupant protection plans, abatement activity notifications, post-abatement reports and recordkeeping

Data Element (w/ hyperlinks)	Form	Hours / Response	Responses	Burden (hours)	Cost
LBP activity firms / pre-abatement notifications / reporting	Notification of Lead-Based Paint Abatement Activities	0.5	1,779 - 2,687	889 - 1,344	\$40,978 - \$61,907
LBP activity firms / occupant protection plan / reporting	None	1	1,779 - 2,687	1,779 - 2,687	\$81,573 - \$123,237
LBP activity firms / post-abatement report / reporting	Sample Renovation Recordkeeping Checklist	2	1,779 - 2,687	3,557 - 5,374	\$162,613 - \$245,667
LBP firms / reports / recordkeeping	Notification of Lead-Based Paint Abatement Activities, Sample Renovation Recordkeeping Checklist	0.01	5,361 - 8,086	54 - 81	\$2,052 - \$3,095
Risk Assessment & Lead Hazard Screen Reports	None	1.81	25	53	\$2,402
Total (range)				6,324 - 9,531	\$289,284 - \$435,975
Total (point estimate)				7,927	\$362,630
<p>These burdens are related to similar types of information collection activities for pre-existing rules covered by IC #4 in EPA ICR No. 2507.05, OMB Control Number 2070-0195 (Lead Training, Certification, Accreditation and Authorization Activities) (Attachment 2 and 7)</p>					

IC #3: Distribution of pre-renovation lead hazard information pamphlet and post-renovation checklists documenting lead-safe work practices

The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements are described below:

236118 Residential Remodelers

No more than 60 days before renovation activities in any residential dwelling unit of target housing or COF, the firm performing renovations must provide the owner and/or occupant(s) of the building with the pre-renovation lead hazard information pamphlet and comply with recordkeeping procedures (e.g., collect signed acknowledgment form, provide self-certification for failed deliveries, and document mailing the information). No more than 60 days before beginning renovation activities in common areas, the firm must provide the owner of the multi-unit housing or COF with a lead hazard information pamphlet, and comply with recordkeeping procedures. Finally, the firm performing renovations must prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet. Firms performing renovations must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with these requirements for a period of three years following completion of the renovation activities in target housing.

In the performance of renovation activities, firms are required to maintain records demonstrating compliance with the final rule requirements for using certified renovators and properly trained workers, posting signs, containing and cleaning the renovation work area, and performing a post-renovation cleaning verification or dust clearance testing after renovation activity is finished.

As a result of this action – in particular the change in the target housing definition – EPA estimates that there will be an incremental increase of 1,977 renovations by RRP firms that require pre- and post-renovation information collection and recordkeeping.

IC# 3. Distribution of pre-renovation lead hazard information pamphlet and post-renovation and post-renovation checklists documenting lead-safe work practices - residential facilities					
Citation: 40 CFR 745 Subpart E					
Data Element	Form	Hours/Response	Responses	Burden (hours)	Cost
RRP firm - Pre-Renovation Information Dissemination; and Post-renovation checklist	Sample Renovation Recordkeeping Checklist	0.31	5,932	623	\$31,154
Total (point estimate)			5,932	623	\$31,154
These burdens are related to similar types of information collection activities for pre-existing rules covered by IC #7 in EPA ICR No. 2507.05, OMB Control Number 2070-0195 (Lead Training, Certification, Accreditation and Authorization Activities)(Attachment 7) .					

IC #4: RRP and LBP professionals classroom training time

RRP and LBP professionals are required to take initial or renewal training courses as part of obtaining or maintaining their certifications. The entire class time for each training class is included in the table for IC #4, as is 1.8 hours of average round trip travel time to and from the training class.

The economic analysis for this action estimates that 1,304 to 2,551 additional full-time abatement workers will be employed as a result of this action and EPA expects they will each complete 24 hours of initial abatement worker training or 8 hours of refresher abatement worker training every 3 years. The economic analysis does not estimate that any hiring of new RRP professionals will incrementally result from this action. This is because the part of the action that affects RRP - namely the change in target housing definition - will generate very few additional RRP jobs, and the economic analysis therefore assumes that existing firms and RRP professionals are able to conduct the new events.

IC# 4. LBP training class time					
Data Element	Form	Hours/Response	Responses	Annualized Burden (hours)	Cost
LBP Abatement Worker Initial	None	25.8	799 - 1,563	6,873 - 13,445	\$313,169 - \$612,617
LBP Abatement Worker Refresher	None	9.8	505 - 987	1,648 - 3,225	\$75,111 - \$146,931
Total (range)			1,304 - 2,551	8,522 - 16,670	\$388,280 - \$759,548
Total (point estimate)			1,927	12,596	\$573,914
These burdens are related to similar types of information collection activities for pre-existing rules covered by IC #9 in EPA ICR No. 2507.05, OMB Control Number 2070-0195 (Lead Training, Certification, Accreditation and Authorization Activities).					

Finally, as a result of this rulemaking, EPA does not expect information collection impacts to the following activities covered under TSCA 402-404:

LBP activities training provider accreditation applications, training notifications and recordkeeping

EPA does not expect any new LBP activities training providers will enter the marketplace as a result of this incremental action, nor does it estimate an increase in the number of abatement trainings offered.

While EPA does expect an increase in the amount of newly trained abatement workers due to this action (see IC #1, above), the action's economic analysis found that these new workers would only add 0.5 to 1.0 additional students per class to the existing abatement worker trainings offered. As such, EPA does not expect training providers to increase the number of trainings offered and does not expect any incremental information collection costs to this group of respondents.

LBP activity firm certification activities

Per the action's economic analysis, EPA does not estimate that any new abatement firms will enter the market as a result of this incremental action. As such, EPA does not expect incremental information collection costs to this group of respondents.

RRP training provider accreditation applications, training notifications, and recordkeeping

EPA does not expect any new RRP training providers will enter the marketplace as a result of this incremental action, nor does it estimate an increase in the number of abatement trainings offered by existing RRP training providers. As such, EPA does not expect incremental information collection costs to this group of respondents.

Private RRP firm certification activities

Per the action's economic analysis, EPA does not estimate that any new RRP firms will enter the market as a result of this incremental action. There are fewer incremental RRP events that result from the rule than there are existing RRP firms, and thus the economic analysis assumes that incremental work will be performed by already-certified RRP firms. Therefore, EPA does not expect incremental information collection costs to this group of respondents.

Government-employed RRP professional certification activities, distribution of lead hazard information pamphlet prior to renovation activities, post-renovation checklists documenting lead-safe work practices, and recordkeeping

Per the action's economic analysis, EPA estimates that the only target housing units in which incremental RRP activities will occur are those under rehabilitation, covered by parts of Sections G and J of the Lead Safe Housing Rule. The housing units where these incremental RRP activities occur fall in multi-family properties under rehabilitation with mortgage insurance backed by HUD (Subpart G) or properties receiving rehabilitation assistance from HUD (Subpart J). In either type of instance, the housing unit is not government-owned, and therefore any RRP activities are initiated by private owners (covered under IC #3).

Therefore, EPA does not expect incremental information collection costs to this group of respondents.

Section 1018 of Title X

The third-party disclosure requirements specify the communication and recordkeeping for agents and individuals undertaking the purchase, sale, or rental of a target housing unit. The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements include:

5312 Real Estate Agents

5311 Lessors of Real Estate

The 1996 Disclosure Rule for Real Estate Transactions at 40 CFR Part 745 Subpart F (61 FR 9064; March 6, 1996) established requirements governing the transfer of information from seller to buyer and lessor to tenant. The requirements of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act fall primarily on the seller or lessor of target housing. However, if an agent or property manager acts on behalf of the seller or lessor, which EPA estimated to be the case in the great majority of transfers, the responsibilities fall to such agents or managers.

A seller of target housing is required to: provide a prospective purchaser with an EPA-approved lead hazard information pamphlet; notify a prospective purchaser of any known lead-based paint or related hazard associated with the property; extend to a prospective purchaser the opportunity for a 10-calendar day period to conduct a lead-based paint inspection and risk assessment before becoming wholly obligated under contract and; include, as a part of a contract for the sale of target housing, a disclosure and acknowledgment statement that includes a Lead Warning Statement with wording prescribed by legislation. The disclosure and acknowledgment statement is executed by the seller, buyer, and, if party to

the transaction, the seller’s agent, and documents compliance with the requirements of the disclosure rule.

To estimate the increased disclosure costs from expanding the definition of target housing, the rulemaking’s economic analysis uses the burden and material cost estimates from the current TSCA Section 1018 ICR. EPA estimates that 967 additional disclosure events will result annually from the change in target housing definition. Because this incremental increase in responses due to the action is very small, the analysis assumes that the definitional change does not require any start-up costs. Furthermore, the action does not add administrative and enforcement costs for the government. Thus, the applicable costs are from recurring disclosure event costs and related recordkeeping and materials.

IC# 5. Agent, Seller, Offeror, and Tenant Disclosure and Record Preparation, Recordkeeping, and Material Burden					
Data Element (w/ hyperlinks)	Form	Hours/Response	Responses	Burden (hours)	Cost
Disclosure Events from Sales	Sample Lead Paint Disclosure Form	0.15	1,082	159	\$5,955
Disclosure Events from Rentals	Sample Lead Paint Disclosure Form	0.083	1,958	163	\$5,882
Recordkeeping	N/A	0.008	1,820	15	\$583
Material Costs	N/A	N/A	2,803	N/A	\$1,489
Total			7,663	337	\$13,910
These burdens are related to similar types of information collection activities for pre-existing rules covered by EPA ICR No. 1710.09, OMB Control No. 2070-0151 (Residential Lead-Based Paint Hazards Disclosure Requirements) (Attachment 8 and 9)					

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

- a) The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for

collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- b) If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- c) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no operational or maintenance costs associated with this incremental information collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

There are no annualized costs to the Federal government; this incremental information collection makes use of existing electronic reporting infrastructure.

15. Explain the reasons for any program changes or adjustments reported in hour or cost burden.

There is an increase in hour and cost burden between the proposed and final rule. This increase in burden reflects the addition of programmatic changes from the final rule. The baseline burden estimate is from the existing ICR prior to the final rule, with adjustments to the burden estimates, including changes in the number of respondents and the number of responses provided by those respondents, to capture changes and updates since the existing ICR was published. The revisions to the dust-lead reportable levels and dust-lead action levels (previously referred to as the dust-lead hazard standards and dust-lead clearance levels) and the definition of target housing resulted in an increased number of respondents and/or responses for some of the activities associated with this information collection, which in turn increases the hour and cost burdens.

16. For collections whose results will be published, outline the plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

This question is not applicable to this ICR.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

EPA does not request an exception to the certification of this information collection.

SUPPLEMENTAL INFORMATION

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0227). Responses to this collection of information are mandatory (40 CFR 745). 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 public reporting and recordkeeping burden for this collection of information is estimated to be 2.5 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Information Engagement Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket for this ICR. The docket for this ICR is accessible electronically through <https://www.regulations.gov> using Docket ID Number: EPA-HQ-OPPT-2023-0231.

Attachment 1: EPA Form 8500-27: Application and Instructions for Firms Applying for Certification to Conduct Lead-Based Paint Activities and/or Renovations

Attachment 2: EPA Form 9600-052 Notification of Lead-Based Paint Abatement Activities

Attachment 3: EPA Form 8500-25: Application and Instructions for Training Providers Applying for Accreditation of Lead-Based Paint Activity and Renovation Training Programs

Attachment 4: EPA Form 9600-050 Lead-Based Paint Activities and Renovation Training Notification

Attachment 5: EPA Form 9600-051 Lead-Based Paint Activities and Renovation Post-Training Notification

Attachment 6 Application and Instructions for Individuals Applying for Certification to Conduct Lead-Based Paint Activities (EPA-747 B 99 002),

Attachment 7 Sample Renovation Recordkeeping Checklist

Attachment 8 EPA Form 9600-040 Seller's Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Attachment 9 EPA Form 9600-041 Lessor's Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Attachment 10: Proposed Rule

REFERENCES

24 CFR 35, Subpart A

40 CFR 745, Subpart F

40 CFR 745, Subparts E, L and Q

Toxic Substances Control Act (TSCA), 15 U. S. C. 2601 et seq

Toxic Substances Control Act (TSCA) Title IV, 15 U.S.C. 2681 et seq.