Attachment B: Public Comments

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M E M O R A N D U M

To:	**Hon. Lee Zelden, Administrator, US Environmental Protection Agency**
From:	**Andrew Langer, Director, Center for Regulatory Freedom, CPAC Foundation**
Date:	**January 25, 2026**
Re:	**Comments on the US Environmental Protection Agency's Notice of Agency Information Collection Activities; Proposals, Submissions, and Approvals: Residential Lead-Based Paint Hazards Disclosure Requirements, Docket #EPA-HQ-OPPT-2017-0631-0024, Fed. Reg. 2025-21199, Published November 26, 2025**

Below are comments of the American Conservative Union Foundation's (d/b/a. Conservative Political Action Coalition Foundation) (hereinafter "CPAC Foundation") Center for Regulatory Freedom (hereinafter "CRF"), in response to the US Environmental Protection Agency's Notice of Agency Information Collection Activities; Proposals, Submissions, and Approvals: Residential Lead-Based Paint Hazards Disclosure Requirements, Docket #EPA-HQ-OPPT-2017-0631-0024, Fed. Reg. 2025-21199, published November 26, 2025.

CRF is a project of the CPAC Foundation, a non-profit, non-partisan 501(c)(3) research and education foundation. Our mission is to inject a common-sense perspective into the regulatory process, to ensure that the risks and costs of regulations are fully based on sound scientific and economic evidence, and to ensure that the voices, interests, and freedoms of Americans, and especially of small businesses, are fully represented in the regulatory process and debates. Finally, we work to ensure that regulatory proposals address real problems, that the proposals serve to ameliorate those problems, and, perhaps most importantly, that those proposals do not, in fact, make public policy problems worse.

Introduction

The Center for Regulatory Freedom (CRF) appreciates the opportunity to comment on the Environmental Protection Agency's proposed renewal of the Information Collection Request (ICR) for the Residential Lead-Based Paint Hazards Disclosure Requirements. CRF supports the statutory objective of ensuring that prospective buyers and tenants receive meaningful information regarding potential lead-based paint hazards in older housing. At the same time, the Paperwork Reduction Act (PRA) exists to ensure that such objectives are pursued through information collections that are necessary, practically useful, and accurately assessed in terms of real-world burden.

This proceeding does not involve the adoption of new disclosure mandates or substantive regulatory changes. Instead, it turns on a narrower but critically important question: whether EPA has accurately measured and justified the paperwork burden associated with the disclosure requirements it already imposes. That question is central to the integrity of the PRA process and to the Office of Management and Budget's ability to conduct meaningful oversight. If burden estimates are understated or based on unrealistic assumptions, neither regulated parties nor reviewing authorities can make informed judgments about the costs of compliance.

EPA's own burden calculations in this ICR imply that compliance with the lead-based paint disclosure requirements takes approximately six to seven minutes per covered transaction. While the Agency does not state this figure explicitly, it is the unavoidable implication of the total hours and total responses EPA reports. That implied estimate is not credible on its face, nor is it consistent with industry experience across lead-related housing rules more broadly.

This is not an isolated concern. For decades, regulated parties have raised similar objections in connection with EPA's lead-based paint disclosure rules, the Lead Renovation, Repair, and Painting (RRP) Rule, and related information collections. In each case, industry stakeholders—particularly small property owners, independent landlords, and small contractors—have explained that EPA's burden models systematically undercount the time required to understand requirements, locate or verify records, coordinate with counterparties, and retain documentation in a manner sufficient to mitigate enforcement and liability risk.

The problem is compounded by EPA's reliance on aggregate averages that obscure substantial variation among respondent types. A large institutional property manager with dedicated compliance systems does not face the same burden as a small landlord who engages in a covered transaction only occasionally. Likewise, real estate professionals bear intermediary and explanatory burdens that are not captured by a simple per-form estimate. The PRA requires agencies to confront these differences, not average them away.

Accurate burden estimation is not a procedural nicety. It is a statutory obligation designed to discipline regulatory administration, protect small entities from disproportionate impact, and ensure that information collections reflect how compliance actually occurs rather than how it is assumed to occur in theory. Where an agency has a documented history of underestimating compliance burdens in a particular regulatory domain, it bears a heightened responsibility to demonstrate that those errors are not being repeated.

For these reasons, CRF urges EPA to revisit the assumptions underlying this ICR renewal, to disaggregate burden estimates by respondent type, and to account explicitly for learning costs, coordination time, and defensive compliance behavior that predictably accompany lead-related disclosure obligations. Without such revisions, the proposed ICR does not satisfy the analytical standards of the PRA and should not be approved in its current form.

Although these comments are submitted pursuant to the Paperwork Reduction Act and focus on the accuracy of EPA's burden estimates, the issues raised also bear directly on housing affordability and market structure. Paperwork burdens are not economically neutral. When compliance obligations are understated and inadequately tailored, they tend to fall most heavily on small property owners, independent landlords, and local real estate professionals who lack scale and dedicated compliance infrastructure. Over time, disproportionate administrative burdens can reduce participation by these smaller actors, accelerate consolidation among larger institutional firms, and diminish competition in housing ownership and intermediation. Accurate burden estimation is therefore not only a matter of analytical rigor, but a prerequisite for understanding how regulatory administration can influence housing supply, market concentration, and affordability outcomes.

Executive Summary

The Environmental Protection Agency's proposed renewal of the Residential Lead-Based Paint Hazards Disclosure Information Collection Request raises significant concerns under the Paperwork Reduction Act. While CRF supports the statutory goal of ensuring that consumers receive meaningful information regarding potential lead hazards, that objective must be pursued through information collections that are accurately measured, transparently justified, and reflective of real-world compliance practices. The burden estimates presented in this ICR do not meet that standard.

- **Implausibly low per-transaction burden estimate.**
  EPA's burden calculations imply that compliance with the lead-based paint disclosure requirements takes approximately six to seven minutes per covered transaction. Although not stated explicitly, this assumption follows directly from the Agency's own figures. Such a time estimate is not credible given the steps required to locate records, explain disclosures, obtain acknowledgments, and retain documentation in a manner sufficient to mitigate enforcement and liability risk.
- **A documented pattern of underestimating lead-related compliance burdens.**
  Industry experience across multiple lead-related regulatory programs—including disclosure and renovation requirements—demonstrates a consistent pattern in which EPA underestimates paperwork and compliance burdens. These concerns have been raised repeatedly over time, particularly with respect to lead rules affecting housing, yet the assumptions underlying this ICR reflect the same analytical shortcomings.
- **Compliance burdens vary substantially by respondent type.**
  The burden of compliance is highly heterogeneous and differs materially among small property owners, independent landlords, real estate professionals, and institutional property managers. Each group faces distinct compliance obligations, learning curves, and coordination responsibilities that cannot be accurately captured by a single averaged per-response estimate.
- **Failure to disaggregate burden masks disproportionate impacts on small entities.**
  By relying on aggregate averages, EPA obscures the higher per-transaction burden borne by small and occasional actors who lack dedicated compliance infrastructure. This approach undermines the PRA's core objective of ensuring that agencies identify and account for disproportionate impacts on small entities and very small businesses.
- **Need for revised burden analysis consistent with PRA standards.**
  To satisfy the PRA, EPA should revise this ICR to reassess its per-transaction time assumptions, differentiate burden estimates by respondent category, and explicitly

account for learning costs, coordination time, and liability-driven compliance behavior that predictably accompany lead-based paint disclosure obligations.

In the absence of these revisions, the proposed ICR does not provide OMB or the public with an accurate understanding of the true paperwork burden imposed by the disclosure requirements. CRF therefore urges EPA to revisit and correct its burden analysis before submitting this ICR for approval, in order to ensure compliance with the letter and spirit of the Paperwork Reduction Act.

I. EPA's Burden Estimate Implies an Implausibly Low Per-Transaction Compliance Time

EPA's burden estimate for the Residential Lead-Based Paint Hazards Disclosure Requirements yields an implied per-transaction compliance time of approximately six to seven minutes. While EPA does not state this figure explicitly, it follows directly from the Agency's own calculations: total annual burden hours divided by the total number of annual responses. Under the Paperwork Reduction Act, such implied assumptions are just as relevant as express statements, because they form the analytical foundation on which OMB review and public evaluation depend.

An implied burden of six to seven minutes per transaction is facially implausible when measured against the actual steps required to comply with the disclosure requirements. At a minimum, compliance involves identifying whether the property is covered, locating any existing lead-based paint records or reports, providing the required disclosure forms and educational materials, obtaining acknowledgments from buyers or tenants, and retaining documentation for the required period. Even under ideal conditions, these steps extend well beyond the time required to simply handle or transmit a form.

Document retrieval alone routinely exceeds EPA's implied estimate. Many covered properties are older, and relevant records may not be centralized, digitized, or readily accessible. Property owners and agents may need to search paper files, contact prior owners, consult management companies, or confirm that no records exist. EPA's burden estimate appears to assume instantaneous access to complete and accurate documentation, an assumption that does not reflect typical transaction conditions.

In addition to record retrieval, the disclosure process requires explanation and coordination with counterparties. Sellers, landlords, or their agents must provide disclosures in a manner that allows buyers or tenants to understand their content and significance. In practice, this often involves answering questions, clarifying obligations, and ensuring that disclosures are delivered at the correct point in the transaction. These interactions consume time that is integral to compliance but is not captured by a narrow form-completion metric.

Obtaining acknowledgments and managing record retention further undermine EPA's implied time estimate. Compliance does not end once a disclosure is transmitted; it requires confirmation that required acknowledgments have been executed correctly and that records are stored in a manner sufficient to demonstrate compliance in the event of an audit or enforcement action. These steps introduce additional administrative time that cannot reasonably be compressed into a matter of minutes.

The Paperwork Reduction Act requires agencies to estimate burden based on how compliance actually occurs, not on theoretical minimums or best-case scenarios. Burden estimates must account for the full set of activities a respondent must undertake to satisfy a requirement, including preparation, coordination, and documentation. By implying that all compliance activities can be completed in six to seven minutes, EPA substitutes an idealized construct for real-world behavior.

The structure of EPA's burden estimate suggests that the Agency has counted only the time required to handle or transmit standardized forms, rather than the time required to complete the compliance task as a whole. This approach treats disclosure as a mechanical exercise divorced from transaction context, rather than as an integrated compliance obligation embedded in complex property transactions. Such an approach is inconsistent with PRA guidance and long-standing OMB expectations.

Ultimately, an implausibly low per-transaction burden estimate undermines the credibility of the entire ICR. If the foundational time assumptions are unrealistic, then the resulting aggregate burden figures cannot provide a meaningful basis for OMB review or public comment. EPA must therefore revisit its per-response assumptions and ensure that its burden analysis reflects the actual compliance activities required by the lead-based paint disclosure rules, rather than an artificially narrow conception of paperwork alone.

II. EPA Has a Documented Pattern of Underestimating Lead-Related Compliance Burdens

EPA's burden estimates for lead-related housing rules have long been the subject of concern among regulated parties. In prior information collection requests and rulemakings addressing lead-based paint disclosure, pre-renovation education, and renovation and repair requirements, EPA has routinely presented burden estimates that assume compliance can be achieved quickly and with minimal administrative effort. These estimates have been challenged repeatedly as inconsistent with the realities of property transactions and renovation activities involving older housing stock.

In the context of the Lead Renovation, Repair, and Painting (RRP) Rule, industry commenters have consistently argued that EPA's paperwork and compliance burden estimates materially understate the time required to comply. Although EPA's analyses often focus on discrete recordkeeping or notification steps, contractors and property owners have explained that compliance involves a broader set of activities, including training, job-site preparation, documentation management, and post-work record retention. Similar critiques have been raised with respect to lead-based paint disclosure requirements in sales and leasing transactions.

A central theme in industry feedback is that EPA systematically undercounts preparation and learning time. Many affected parties engage in lead-related compliance activities only occasionally, rather than on a continuous or routine basis. As a result, each covered transaction or renovation requires respondents to reacquaint themselves with applicable requirements, review guidance materials, and ensure that their actions conform to current regulatory expectations. EPA's burden models rarely account for this recurring learning cost.

Industry commenters have also objected to EPA's assumption of routine familiarity with lead-related requirements. In practice, familiarity varies widely depending on the size, sophistication, and frequency of engagement of the regulated entity. Small landlords, individual property owners, and small contractors often lack institutional memory or compliance staff and must independently navigate regulatory requirements each time they engage in a covered activity. Treating compliance as routine for all respondents ignores this variability.

Another persistent criticism is EPA's failure to account for episodic compliance realities. Lead-related requirements are often triggered by specific events—such as a home sale, a new lease, or a renovation project—rather than by ongoing operations. This episodic nature means that compliance is not embedded in daily workflows and cannot be reduced to marginal time increments. EPA's burden estimates, however, frequently model compliance as if it were a standardized, repetitive process.

The current ICR continues this historical pattern rather than correcting it. Despite decades of feedback highlighting the shortcomings of EPA's lead-related burden estimates, the Agency again relies on aggregate assumptions that imply minimal per-transaction effort. The implied six- to seven-minute compliance time mirrors the same analytical approach that has drawn criticism in prior proceedings and suggests that EPA has not meaningfully incorporated past lessons into its PRA analysis.

Repeated underestimation of burden has broader implications for the credibility of EPA's PRA submissions. When similar concerns are raised across multiple rulemakings and information collections, yet the underlying assumptions remain unchanged, stakeholders are left with little confidence that the Agency's burden estimates reflect actual experience. This pattern erodes trust in the analytical rigor of EPA's submissions to OMB.

Accurate burden estimation is essential to the functioning of the PRA framework. OMB relies on agency analyses to determine whether information collections are justified and appropriately tailored. When an agency consistently understates compliance burdens, OMB's review is deprived of the information necessary to exercise effective oversight. This risk is particularly acute in regulatory areas, such as lead-related housing rules, where small entities are disproportionately affected.

For these reasons, EPA's documented history of underestimating lead-related compliance burdens should weigh heavily in evaluating this ICR renewal. Rather than perpetuating an approach that has repeatedly been shown to fall short, EPA should reassess its assumptions, incorporate real-world compliance experience, and demonstrate that its burden estimates for this ICR represent a genuine improvement over past analyses.

III. Burden Is Not Uniform and Must Be Disaggregated by Respondent Type

A. Small Property Owners and Occasional Landlords

Small property owners and occasional landlords experience lead-based paint disclosure compliance as a non-routine activity. Unlike institutional actors, they typically lack dedicated compliance staff, standardized procedures, or automated systems. Compliance is therefore episodic and often unfamiliar, requiring these respondents to reengage with regulatory requirements each time a covered transaction occurs.

For this group, a substantial portion of the compliance burden arises from understanding what is required in the first instance. Time must be spent reviewing disclosure obligations, confirming whether a property is covered, and determining what records, if any, exist. Locating lead-related documentation may involve searching through paper files, contacting prior owners, or confirming the absence of records, all of which add to the compliance burden beyond simple form completion.

Ensuring compliance also requires careful attention to timing and documentation. Small landlords must ensure that disclosures are provided at the correct point in the transaction, that acknowledgments are properly executed, and that records are retained in a manner sufficient to demonstrate compliance. Given the potential consequences of noncompliance, these respondents often devote additional time to double-checking their actions, further increasing the burden.

As a result, the per-transaction burden for small property owners and occasional landlords is materially higher than EPA's implied average. A single aggregated estimate obscures this reality and understates the disproportionate impact on those least able to absorb compliance costs. The PRA requires agencies to recognize and account for such differences rather than treating all respondents as if they operate under identical conditions.

B. Real Estate Professionals and Agents

Real estate professionals and agents serve as intermediaries in the lead-based paint disclosure process, often initiating, coordinating, and managing compliance on behalf of sellers and landlords. Their role extends beyond transmitting forms and includes ensuring that disclosures are properly delivered, understood, and documented within the broader context of a transaction.

A significant component of the burden borne by real estate professionals involves client education. Agents frequently must explain disclosure requirements to clients who are unfamiliar with them, answer questions regarding timing and obligations, and guide clients through the steps necessary to comply. These activities are integral to compliance but are not reflected in EPA's per-response burden estimate.

Real estate professionals also shoulder responsibility for compliance verification and error avoidance. To protect both their clients and themselves from potential liability, agents often review documentation carefully, confirm that acknowledgments are properly executed, and maintain records consistent with brokerage policies and legal requirements. This risk-mitigation behavior adds time and administrative overhead that EPA's analysis does not capture.

By focusing narrowly on the act of disclosure, EPA's burden estimate fails to account for the professional compliance overhead inherent in the intermediary role played by real estate agents. Treating these respondents as if they incur no additional burden beyond form handling ignores the practical realities of regulated real estate transactions and results in a systematic understatement of burden.

C. Institutional Landlords and Property Managers

Institutional landlords and property managers often benefit from economies of scale and more formalized compliance systems. These entities may have established procedures, dedicated staff, or software platforms designed to manage disclosure requirements across large portfolios. EPA's reliance on average burden estimates may implicitly assume that all respondents operate under such conditions.

Even for institutional actors, however, compliance is not costless. Integrating lead-based paint disclosure requirements into leasing and sales workflows requires system design, documentation protocols, and periodic updates to reflect regulatory or operational changes. These system integration costs represent real compliance burdens that are not reflected in per-transaction time estimates.

Training and oversight further contribute to the burden borne by institutional landlords and property managers. Staff must be trained to implement disclosure requirements correctly, and compliance must be monitored to ensure consistency across properties and transactions. In addition, these entities must maintain audit readiness, ensuring that records can be produced and defended in the event of enforcement or litigation.

While per-unit burden for institutional landlords may be lower than that faced by small or occasional actors, it still exceeds EPA's implied assumptions. By failing to account for the full scope of compliance activities even for large entities, EPA understates the true burden and reinforces the need for a disaggregated analysis that reflects the distinct compliance realities faced by different respondent types.

IV. EPA's Analysis Fails to Account for Learning Costs and Episodic Compliance

Learning costs are a central component of paperwork burden under the Paperwork Reduction Act. The statute and implementing guidance make clear that burden encompasses not only the time required to complete a form, but also the time spent understanding what information is required, how it must be presented, and when compliance obligations are triggered. Where an information collection involves legal or procedural complexity, learning costs are an unavoidable and material component of real-world compliance.

Lead-based paint disclosure requirements impose precisely this type of learning burden. Respondents must understand threshold applicability, timing requirements, disclosure content, and record retention obligations. For many affected parties, particularly those without legal or compliance expertise, this understanding must be refreshed or rebuilt each time a covered transaction occurs. EPA's burden analysis does not reflect this reality.

A key reason learning costs are significant in this context is that many affected parties engage in covered transactions infrequently. Small property owners may sell or lease a covered property only occasionally, and individual landlords may enter into new lease agreements sporadically rather than continuously. In these circumstances, compliance is episodic rather than routine, and familiarity with requirements cannot reasonably be assumed.

EPA's analysis nonetheless appears to assume continuous familiarity with disclosure obligations. By implying a per-transaction burden of only a few minutes, EPA effectively treats compliance as a mechanical task performed by respondents who are already fully versed in the applicable rules. This assumption is analytically flawed and inconsistent with the diverse respondent population subject to the disclosure requirements.

Episodic compliance fundamentally alters the nature of burden. When obligations are triggered infrequently, respondents cannot rely on muscle memory or standardized workflows. Instead, each occurrence requires renewed attention to regulatory requirements, increasing both the time and cognitive burden associated with compliance. EPA's failure to account for this dynamic leads to systematic understatement of burden.

The absence of learning costs in EPA's analysis also distorts comparisons across respondent types. Large institutions with ongoing transaction volume may amortize learning over many transactions, while small and occasional actors incur learning costs repeatedly. Without modeling these differences, EPA's aggregate estimates mask disproportionate impacts on those least equipped to absorb them.

Under the PRA, agencies are expected to base burden estimates on how information collections are actually experienced by respondents. This includes recognizing when compliance is episodic and when learning must be repeated. Ignoring these factors does not merely understate burden; it undermines the analytical integrity of the ICR as a whole.

For these reasons, EPA should revise its burden analysis to explicitly model first-time and infrequent compliance scenarios. This could include separate burden estimates for initial compliance and subsequent transactions, or differentiated assumptions for routine versus occasional respondents. Absent such analysis, EPA's burden estimates will continue to reflect idealized assumptions rather than the lived compliance experience of affected parties.

V. Liability and Enforcement Risk Drive Defensive Over-Compliance

Lead-based paint disclosure requirements operate in a regulatory environment characterized by strict liability and significant civil penalties. Respondents face meaningful legal exposure for failure to comply, even where violations are technical or unintentional. This enforcement backdrop fundamentally shapes how regulated parties approach compliance and cannot be divorced from any realistic assessment of paperwork burden under the Paperwork Reduction Act.

Where liability is strict and penalties are substantial, rational actors respond by engaging in defensive compliance. Rather than performing only the minimum steps theoretically required, respondents devote additional time and attention to ensuring that disclosures are accurate, timely, and fully documented. EPA's burden estimates do not reflect this predictable behavioral response, instead assuming that respondents will act as if enforcement risk were negligible.

One manifestation of defensive compliance is the time spent double-checking documentation. Property owners, landlords, and agents routinely review disclosure forms multiple times to ensure completeness and correctness, particularly with respect to dates, signatures, and acknowledgments. This review process is integral to compliance but is not captured by a narrow accounting of form-handling time.

Respondents also frequently retain redundant records as a protective measure. In addition to maintaining the minimum required documentation, regulated parties may keep duplicate copies, backup files, or supplementary notes to demonstrate good-faith compliance in the event of a dispute or investigation. Managing and organizing these records adds to the administrative burden in ways that EPA's analysis does not acknowledge.

Another common aspect of defensive compliance is the pursuit of legal or professional advice. Given the complexity of lead-related requirements and the consequences of error, many respondents seek guidance from attorneys, property managers, brokers, or compliance consultants. Even informal consultations consume time and resources that are directly attributable to the information collection requirements.

These behaviors are not aberrational; they are foreseeable responses to the regulatory structure EPA has established. Agencies cannot assume away the consequences of their own enforcement frameworks when estimating burden. Where rules are enforced through penalties and audits, it is reasonable and expected that respondents will take additional steps to protect themselves.

The PRA's definition of burden encompasses the total time, effort, and resources expended to comply with an information collection. This includes activities undertaken to ensure accuracy and completeness, particularly where inaccuracies carry legal consequences. Excluding defensive compliance from burden estimates results in a materially incomplete analysis.

EPA's failure to account for liability-driven behavior is especially consequential for small entities. Lacking in-house legal expertise, small landlords and property owners may spend proportionally more time seeking reassurance that their compliance efforts are sufficient. This amplifies the disparity between EPA's averaged estimates and actual experience.

By omitting defensive compliance from its burden analysis, EPA understates not only the time required to comply but also the practical impact of its disclosure requirements. This omission compounds other analytical shortcomings and further undermines confidence in the Agency's PRA submission.

Accordingly, EPA should revise its burden estimates to reflect the foreseeable effects of liability and enforcement risk on compliance behavior. Incorporating time spent on review, record retention, and professional consultation would bring the ICR closer to a realistic assessment of how regulated parties actually comply with lead-based paint disclosure obligations.

VI. EPA Should Revise the ICR to Comply with PRA Requirements

To comply with the Paperwork Reduction Act, EPA must revise this Information Collection Request to ensure that its burden estimates are grounded in real-world compliance experience rather than idealized assumptions. The PRA requires agencies to provide OMB and the public with an accurate accounting of the time and effort required to comply with information collections. Where existing estimates are shown to be implausible or incomplete, revision is not discretionary but necessary.

First, EPA should reassess its per-response time estimates using real-world transaction data. Rather than relying on aggregate assumptions, the Agency should examine how disclosures are actually completed in sales and leasing transactions, including the time required for document retrieval, explanation, acknowledgment, and record retention. Empirical data drawn from industry surveys or transactional studies would provide a more reliable foundation for burden estimation.

Second, EPA should disaggregate its burden analysis by respondent category and size. Small property owners, independent landlords, real estate professionals, and institutional property managers face distinct compliance obligations and operate under materially different conditions. A single averaged burden estimate obscures these differences and fails to capture disproportionate impacts on small entities, contrary to the PRA's analytical objectives.

Third, EPA should explicitly account for learning costs associated with lead-based paint disclosure requirements. For many respondents, particularly those who engage in covered transactions infrequently, compliance requires time spent understanding or re-learning regulatory obligations. These learning costs are a predictable and recurring component of burden and should be reflected in the Agency's estimates.

Fourth, EPA should address coordination costs that arise when compliance involves multiple parties. Disclosures often require interaction among sellers, landlords, agents, buyers, tenants, and third-party professionals. Time spent coordinating these activities is integral to compliance and should not be excluded from the burden analysis simply because it does not occur on a standardized form.

In addition to revising its analytical assumptions, EPA should consider measures that could meaningfully reduce paperwork burden once it is accurately measured. One such measure is the development of clear safe harbors that provide respondents with confidence that compliance has been achieved when specified steps are followed. Safe harbors can reduce defensive over-compliance and lower liability-driven administrative costs.

EPA should also evaluate whether clearer and more standardized disclosure forms could reduce confusion and compliance time. Simplifying language, standardizing presentation, and reducing ambiguity would help respondents complete disclosures more efficiently and with greater confidence, particularly for small and occasional actors.

Enhanced electronic tools represent another opportunity for burden reduction. Expanded use of electronic disclosure, acknowledgment, and record retention systems could streamline compliance, reduce duplication, and lower administrative costs over time. Such tools, however, can only be evaluated meaningfully once baseline burdens are accurately assessed.

It is critical to emphasize that burden reduction efforts must follow accurate measurement. The PRA does not permit agencies to justify low burden estimates by pointing to hypothetical efficiencies that have not yet been realized. Without first correcting its analytical assumptions, EPA cannot credibly claim that its information collection is appropriately tailored or minimally burdensome.

Ultimately, revising this ICR in accordance with these recommendations would strengthen EPA's compliance with the PRA, improve the quality of information provided to OMB, and enhance the legitimacy of the disclosure program itself. Accurate burden estimation is the foundation on which effective and defensible paperwork reduction depends.

Conclusion

The Center for Regulatory Freedom supports effective lead hazard disclosure requirements that are firmly grounded in statutory authority and that advance public health objectives. Ensuring that prospective buyers and tenants receive meaningful information about potential lead-based paint hazards is an important and legitimate regulatory goal. That goal, however, does not diminish the obligation to administer disclosure requirements in a manner consistent with the analytical and procedural safeguards established by the Paperwork Reduction Act.

The PRA requires agencies to approach paperwork obligations with accuracy, transparency, and realism. Burden estimates must reflect how compliance actually occurs, not how it might occur under idealized or theoretical conditions. Optimistic assumptions that minimize or abstract away real-world compliance activities do not satisfy the statute and undermine the integrity of the review process.

As demonstrated throughout these comments, EPA's current burden estimate does not reflect lived compliance experience. The implied assumption that lead-based paint disclosure obligations can be satisfied in a matter of minutes per transaction is inconsistent with the steps required to locate records, coordinate with counterparties, ensure proper execution, and retain documentation in a manner sufficient to manage enforcement and liability risk.

The shortcomings in EPA's analysis are not limited to a single assumption or calculation. Rather, they reflect a broader failure to account for learning costs, episodic compliance, respondent heterogeneity, and defensive compliance behavior. Taken together, these omissions materially understate the true paperwork burden imposed by the disclosure requirements.

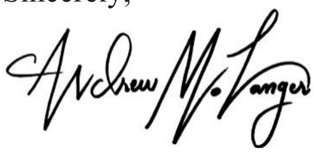
CRF therefore urges EPA to revise this ICR before submitting it for approval. A revised analysis should ensure that OMB review is informed by realistic and disaggregated burden estimates, that the experiences of small property owners and other small entities are not obscured by aggregate averages, and that paperwork burdens are honestly and comprehensively accounted for.

Accurate burden estimation is not an obstacle to effective regulation; it is a prerequisite for it. When agencies present realistic analyses, regulated parties are better able to comply, oversight bodies are better able to evaluate necessity and proportionality, and the public has greater confidence in regulatory decisions.

In this case, disciplined adherence to the PRA would strengthen, not weaken, EPA's lead disclosure program. By improving analytical rigor and transparency, EPA can enhance the legitimacy of its requirements, promote more consistent compliance, and better align regulatory practice with public health outcomes.

Finally, it bears emphasis that disciplined PRA compliance supports broader housing affordability objectives. When paperwork burdens are accurately measured and appropriately tailored, smaller landlords and independent real estate professionals are better able to remain active in the market, preserving competition and local responsiveness. Conversely, when burdens are understated and averaged across dissimilar actors, regulatory costs are more easily absorbed by large, institutional entities, contributing to consolidation and reduced competitive pressure. By revising this ICR to reflect real-world compliance experience, EPA can strengthen the integrity of its PRA analysis while also helping to avoid administrative distortions that ultimately place upward pressure on housing costs and reduce consumer choice.

Sincerely,



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Comment On: EPA-HQ-OPPT-2017-0631-0024
Agency Information Collection Activities; Proposals, Submissions, and Approvals: Residential Lead-Based Paint Hazards Disclosure Requirements

Document: EPA-HQ-OPPT-2017-0631-DRAFT-0031
Anonymous public comment

Submitter Information

Name: Anonymous Anonymous

General Comment

Regulations surrounding lead-based paint testing and disclosures have reached the end of their usefulness in specific settings, including the buying and selling of real estate. This obsolescence is largely due to the success of educational efforts surrounding the very real dangers and risks associated with lead exposure, and the elimination of lead from modern consumer products. As a homeowner, requirements to disclose lead-based paint during a sale are of little consequence as it is common practice to intentionally avoid testing for or otherwise confirming the presence of potentially harmful materials commonly found in older homes.

Both buyers and sellers, as well as mortgage brokers, insurers, general contractors, and any other persons or entities typically involved in home buying, presume the presence of these materials based entirely on construction and/or renovation dates for the home or building. Removing regulations surrounding the disclosure of materials already commonly presumed present is redundant at best, wasteful of time and resources at its worst, especially when the precautions these regulations would trigger are already in effect by default. Entire documents (such as the one attached) and time spent reviewing these documents could be eliminated or reduced to a single paragraph disclaimer.

Thank you for the opportunity to review and provide comment on the specific functions of regulatory agencies, and for considering ways to streamline and simplify processes when it proves prudent to do so.

Attachments

HUD Lead Paint