

## **Summary of Settlement Agreement between EPA and Public Interest Petitioners Regarding EPA Lead Renovation, Repair and Painting Rule**

### **1) Opt-Out / Post Renovation Notification Proposal**

#### *a) Schedule*

- i) Propose a rule by 10/20/09
- ii) Finalize a rule by 4/22/10

#### *b) Proposal:*

- i) **Remove the homeowner opt-out exemption at 40 CFR 745.82(c).** This exemption allows a homeowner with no children or pregnant women living there to opt out of the rule with a written certification.
- ii) **Require post-renovation notification.** A proposal to require that renovation firms provide owners and occupants a post-renovation notification that will include information regarding the work practices utilized by the renovator as well as any sampling or testing results.

### **2) Clearance Proposal**

#### *a) Schedule*

- i) Propose by 4/22/10
- ii) Finalize a rule by 7/15/11. EPA may extend deadline by four months with explanation

#### *b) Proposal*

- i) **Require dust wipe sampling** in work area on uncarpeted surfaces in certain circumstances that including
  - (1) Use of a heat gun at temperatures below 1100 degrees;
  - (2) Removal or replacement of window(s) or door frame(s);
  - (3) Scraping an area of 60 ft<sup>2</sup> or greater; and
  - (4) Removal of more than 40 ft<sup>2</sup> (or equivalent in a linear foot extrapolation) of trim or molding.
- ii) **Require clearance** after:
  - (1) Use of machines that disturb lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting used with HEPA exhaust control; and
  - (2) Demolition or removal of plaster over 6 ft<sup>2</sup>.
- iii) **Request comment** on whether:
  - (1) To require clearance in any or all of the circumstances in which EPA proposes to require dust wipe sampling. Clearance means demonstrating that dust lead levels on uncarpeted surfaces in the work area are below those set forth in 40 C.F.R. 745.65(b) and includes an exception or alternative provision for addressing situations where achieving lead levels below the levels set forth in 40 C.F.R. 745.65(b) would require expanding the scope of the renovation job.
  - (2) The proposed threshold of 60 ft<sup>2</sup> for dust wipe sampling after scraping should be lowered to 6 ft<sup>2</sup> and whether EPA should require clearance.
  - (3) The proposed threshold of 40 ft<sup>2</sup> for dust wipe sampling after the removal of trim or molding should be lowered to less than 40 ft<sup>2</sup> and whether EPA should require clearance.
  - (4) To require dust wipe sampling in situations where the final wet disposable cleaning cloth used for cleaning verification pursuant to 40 CFR 745.85(b)(1) does not match the cleaning verification card.
  - (5) To require clearance after renovation activities in rental properties in situations where EPA proposes to require dust wipe sampling pursuant to paragraph (i) above if the

renovator has been informed that such activities are being performed to remedy a violation or comply with an order (such as an order to correct building code violations) issued by any local or state governmental authority.

- (6) The renovator should be obligated to affirmatively ask owners and occupants of rental property whether the renovation activity is being performed to comply with an order issued by any local or state governmental authority and must indicate in the post-renovation notice whether the renovator was informed that the renovation was performed for such reason.
- (7) To expand the scope of any proposed clearance requirement to scenarios beyond what is proposed.

### 3) Non-Residential Buildings Exterior Proposal

#### a) *Schedule*

- i) Provide Advanced Notice of Proposed Rulemaking by 4/22/10
- ii) Proposed a rule by 12/15/11. EPA may extend proposed rule deadline by four months with explanation
- iii) Finalize a rule by 7/15/13. EPA may extend final rule deadline by four months with explanation.

#### b) *Proposals for Advanced Notice and for Proposed Rule*

- i) **Propose work practice standards** applicable to renovation activities on the exterior of public buildings constructed before 1978 and commercial buildings (“Non-residential Buildings”).

### 4) Non-Residential Buildings Interior Proposal

#### a) *Schedule*

- i) Provide Advanced Notice of Proposed Rulemaking by 4/22/10
- ii) Seek advice from EPA Science Advisory Board by 9/30/11
- iii) Proposed a rule 18 months after receiving SAB report unless EPA conclude renovation activities in the interior of non-residential buildings do not create lead-based paint hazards. EPA may extend deadline up to two years if EPA concludes additional studies should be conducted or additional information should be gathered to complete the proposal or establish a hazard standard for the interiors of non-residential buildings. EPA may also extend proposed rule deadline by four months with explanation
- iv) Finalize a rule 18 months after proposed rule issued. EPA may extend deadline up to two years if EPA concludes additional studies should be conducted or additional information should be gathered to complete the proposal or establish a hazard standard for the interiors of non-residential buildings. EPA may also extend the final rule deadline by four months with explanation

#### b) *Proposals*

- i) **In advanced notice, evaluate whether renovation activities in the interior of Non-residential Buildings create lead-based paint hazards** and, if so, propose work practice standards applicable to such renovation activities in the interior of Non-residential Buildings.
- ii) **Seek advice from Science Advisory Board regarding risk assessment methodology** used to support the development of a lead-based paint hazard standard for Non-residential Buildings
- iii) **Propose work practice standards applicable to renovation activities that create lead-based paint hazards in the interiors of non-residential buildings.**