

March 8, 2010

The Honorable Jeff Bingaman
Chairman
Senate Committee on Energy & Natural
Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Lisa Murkowski
Ranking Member
Senate Committee on Energy & Natural
Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Barbara Boxer
Chair
Senate Committee on Environment & Public Works
Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Inhofe
Ranking Member
Senate Committee on Environment &
Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Re: EPA Lead: Renovation, Repair and Painting Rule (LRRP)

Dear Chairman Bingaman, Chairman Boxer, Ranking Member Murkowski, and Ranking Member Inhofe:

We are writing to urge you to request a delay in the implementation of the Environmental Protection Agency's (EPA) "Lead: Renovation, Repair and Painting Rule" (LRRP). As manufacturers, distributors, retailers and installers of new construction materials, we support efforts to ensure that home renovations in pre-1978 homes are conducted in accordance with EPA's LRRP requirements. Unfortunately, based on EPA compliance-needs estimates, we do not believe EPA is prepared to adequately implement the LRRP. Further, if implemented now, the LRRP will negatively affect economic stimulus funding designated for housing weatherization and planned efforts for a national residential retrofit program.

Starting on April 22, 2010, renovation work that disturbs more than six square feet on the interior of a home built before 1978 must follow new Lead Safe Work Practices (LSWP) supervised by an EPA certified renovator and performed by an EPA certified renovation firm, as outlined in 40 CFR § 745.85. Your respective Committees have passed legislation to incentivize energy efficiency upgrades in older homes and buildings – the same housing stock subject to the LRRP. We agree this is an effective approach towards improving building energy efficiency. However, we also see that new proposals, such as the multi-billion dollar HOME STAR for residential retrofits, designed to quickly create jobs through efficiency upgrades to older homes, is at risk of derailing compliance with the LRRP, or vice versa, that compliance with the LRRP will subvert the ability to deliver jobs and save energy in the oldest, least-efficient housing stock.

Currently, EPA has only 135 accredited trainers and 13,669 certified renovators nationwide, although its own compliance-needs estimates indicate that it needs at least 200,000 or more certified renovators. Obviously, these numbers are far too insufficient for the millions of renovations carried out annually, even without a substantial retrofit incentive program like HOME STAR. With the April 22, 2010 deadline nearing, it is clear that EPA cannot ensure enough certified renovators will be available for compliance with the LRRP. Meanwhile, there is going to be an additional influx of new contractors and renovators generated by the HOME STAR proposal in the same industry (i.e., residential retrofitting). This will create a major problem between LRRP compliance and the exponential increase in the numbers of retrofit contractors under a HOME STAR program. We believe renovation incentives and HOME STAR, if passed as proposed, which is deliberately intended to significantly increase renovation work in older homes, will only magnify LRRP compliance issues.

There is a precedent for a solution which we believe could temporarily ameliorate some of these concerns. An example from the U.S. Department of Housing and Urban Development (HUD) on this exact same issue is particularly relevant. In September 2000, HUD published a "Notice of Transition" in the Federal Register (65 Federal Register 54858) which delayed HUD's implementation of the "Lead Safe Housing Regulation." HUD program participants who sought to take advantage of the transition period were required to file a "Statement of Inadequate Capacity", which stated that "trained, licensed (certified) or accredited personnel or firms are either not available in sufficient numbers or are not available at a reasonable cost to make it practicable to comply with the Lead Safe Housing Regulation."

In a recent proposal to amend the LRRP, EPA stated that it was considering delaying the effective date of the LRRP. We support this and urge you to contact the Administrator of the Office of Information and Regulatory Affairs (OIRA) and request a delay of the LRRP. In light of the high priority given by both Congress and the Administration to improving energy efficiency in older homes and creating a robust residential retrofit industry, e.g., through a HOME STAR proposal, contractors and industry professionals must have a resolution to the LRRP compliance issue before April 22, 2010.

Thank you for considering our views.

Sincerely,

National Lumber and Building Material Dealers Association
Window and Door Manufacturers Association
National Association of Home Builders
Hearth, Patio & Barbecue Association
Window and Door Dealers Alliance
National Glass Association
Manufactured Housing Institute
National Association of the Remodeling Industry
The Home Depot
Vinyl Siding Institute
Independent Electrical Contractors
Lowe's Companies, Inc.