

US EPA ARCHIVE DOCUMENT

**TESTIMONY OF
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U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SUBCOMMITTEE ON HOUSING AND TRANSPORTATION
OF THE
COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS
UNITED STATES SENATE
JUNE 5, 2002**

INTRODUCTION

Good afternoon Mr. Chairman and members of the Subcommittee. Thank you for the invitation to appear before you today. It is my privilege to represent the U.S. Environmental Protection Agency (EPA) and to discuss the Agency's efforts to prevent lead-based paint poisoning of our nation's children.

BACKGROUND

In the almost ten years since the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) was enacted, the U.S. Environmental Protection Agency, together with the U.S. Departments of Housing and Urban Development (HUD), Health and Human Services (HHS), and Justice, as well as our State partners, has made significant progress in eliminating childhood lead poisoning. In fact, interagency coordination within the Federal Government had started even earlier, dating to the 1980s, and now continues with a Presidential task force to ensure effective collaboration. How much progress have we made? In 1978, there were nearly three to four million children with elevated blood lead levels in the United States. In the 1990s, that number had dropped to 890,000 kids, and it continues to decline. While we still have a significant challenge, particularly with minority children and children living in low-income housing, EPA is very proud of how the Federal agencies and our State and private sector partners have coordinated their efforts with the public to better protect our children.

The Federal government has phased out lead in gasoline, reduced lead in drinking water, reduced lead in industrial air pollution, and banned or limited lead used in consumer products, including toys, mini-blinds, food cans, glazed china and ceramic wear, crystal, and residential paint. States and municipalities have set up programs to identify and treat lead poisoned children and to rehabilitate deteriorated housing. Parents, too, have greatly helped to reduce lead exposures to their children by cleaning and maintaining homes, having their children's blood lead levels checked, and promoting proper nutrition.

CURRENT ACTIVITIES

Many of the remaining cases of elevated blood lead levels in children are caused by leaded paint and related sources in older housing. EPA has an active, multi-pronged program to combat this problem. EPA's primary goal is to prevent children from being poisoned and avoiding the consequences associated with it. The program includes creating a national regulatory infrastructure, developing outreach and education programs aimed at those most at risk, and educating those who can help address the problem. The program also conducts technical studies to determine the overall risk of exposure and how our children can be better protected.

Regulations:

- On March 6, 1996, EPA, together with HUD, promulgated the Residential Lead-based Paint Real Estate Disclosure Rule (Toxic Substance Control Act (TSCA) §1018). This rule mandates lead-based paint disclosure requirements for all sales and rentals of pre-1978 housing, thus ensuring that home buyers and renters are made aware of lead-based paint hazards before deciding on a dwelling, and, in the case of home buyers, guarantees the right to a lead inspection before purchase.
- On August 28, 1996, EPA promulgated a rule covering Training and Certification for Lead-Based Paint Professionals in Target Housing and Child-Occupied Facilities (TSCA §402(a)). This rule ensures that a well-trained cadre of lead inspectors, risk assessors, and abatement

personnel is available. In addition, this rule allows EPA to authorize individual States, Tribes, and Territories to develop and administer training and certification programs, thus extending the reach of these efforts. At present, 36 States, Puerto Rico, two Tribes, and the District of Columbia, assisted by federal grants, are authorized to carry out this program, with EPA retaining direct authority in the remaining areas.

- On June 1, 1998, EPA promulgated the Pre-Renovation Education Rule (TSCA § 406(b)). This rule implements a very simple concept: all owners/tenants of pre-1978 housing (about 15 million housing units) should be given basic information about lead-poisoning prevention before paint-disturbing renovations are started. EPA is continuing to work closely with advocacy groups and the regulated community to ensure that this rule is effective and not overly burdensome.
- On January 5, 2001, EPA promulgated a rule on the Identification of Hazardous Levels of Lead in Dust and Soil (TSCA §403). This rule defines certain locations and conditions of lead-based paint, and specific levels of lead in dust and soil that are most likely to pose a health threat to children. These standards effect disclosure provisions, the need to use trained, certified lead workers, and control and abatement requirements for Federally-owned and Federally-assisted housing.

Outreach and Education:

EPA conducts extensive outreach with potentially affected parties in the development of regulations, to assist regulated parties in complying with regulations, to inform citizens of their rights under these rules and to inform the public about the nature of lead-based paint hazards and provide guidance on how to reduce risks. Our partners at HUD and HHS' Centers for Disease Control and Prevention (CDC) partially fund these activities and provide technical support. This outreach includes:

- A bilingual National Lead Information Center (1-800 424-LEAD). The Center operates a national hotline handling over 60,000 contacts per year, distributes 1.6 million documents annually and operates a national clearinghouse where best practices are shared.
- Development of materials, such as brochures and sample real estate disclosure forms, needed to comply with regulatory requirements.
- Creation and distribution of educational materials and national lead awareness campaigns for parents, homeowners and renters, medical professionals, renovation contractors and “do-it-yourselfers,” and others. This includes the award-winning, bilingual “Get the Lead Out” campaign to increase awareness of lead-paint hazards.
- Partnership programs with non-profit groups and other government agencies to conduct lead awareness/education activities, particularly targeted to minority and urban populations often most at risk.
- Cooperative programs with retail stores to distribute EPA materials where painting or renovation supplies are sold.

Technical Studies:

EPA has conducted numerous studies to define the levels of exposure that should be regarded as hazardous to children and identify work practices that successfully reduce lead-based paint risks. EPA’s goal is to better understand lead exposures, ensure that testing is done appropriately and reduce the cost associated with eliminating exposure. EPA’s technical program includes:

- Technical studies, including risk assessments to support regulatory decisions;
- Reports on lead testing and methodologies; and
- Management of a national lead laboratory accreditation program.

Even though we have accomplished a great deal, there is still more to be done. EPA is looking for better technologies to make lead hazard control work more affordable. For example, the Agency is working with HUD on spot test kits for lead detection. As EPA Administrator Christine Todd Whitman has stated, the Agency must base its decisions on sound science. To that end, EPA is now engaged with HUD in peer review of the new spot test kit work. We are also working with the National Association of Realtors, the National Multihousing Council and others to reassess and streamline our pre-renovation education requirements.

NEW REGULATORY ACTIVITIES

EPA anticipates completing the regulatory program mandated by Title X over the next few years. Our renovation and remodeling activities, which include new rulemaking, will address how to safely remove lead-based paint and debris during remodeling activities. The Agency has completed the Small Business Advocacy Review panel process and plans additional consultation with States and the business community this Autumn. We anticipate that a proposed rule will be ready for publication in 2003.

In the meantime, EPA has developed a model training course for renovation contractors, which is intended to provide them with recommended methods to minimize lead hazards. The Agency is also developing an outreach campaign to expand acceptance and use of the model course. The goal is to promote lead-safe work practices among all home remodelers, both professionals and “do-it-yourselfers,” and to ensure proper training.

EPA anticipates publishing a proposed rule addressing lead-based paint activities on bridges and structures in 2004. We are looking closely at guidance for containing paint debris developed by the Society for Protective Coatings (formerly the Steel Structures Painting

Council – SSPC), an association for users and suppliers of industrial protective coatings and related products and services. SSPC's guidance is increasingly being relied on by public and private entities engaged in deleading activities, and is referenced in State regulations governing these activities.

In addition, because of the impact the regulation could have on small communities, EPA is conducting outreach in several States through the Small Communities Outreach Project for Environmental Issues, under a cooperative agreement with the National Association of Schools of Public Affairs and Administration. This initiative is a community-based approach to engaging elected officials and local government staff at the early stage of regulatory development.

EPA expects to finalize regulations on management and disposal of lead-based paint debris by the end of 2002. The Agency proposed the rule in 1998 to address concerns expressed by HUD, HHS, some states, advocacy groups and the regulated community that the costs of testing, management, and disposal of lead-paint debris can be a significant obstacle to abatement financing. EPA's Office of Solid Waste is completing a rule that allows this debris, including chips, dust, and sludge, to be disposed of in construction and demolition landfills. This will result in significantly lower waste management and disposal costs. EPA is also now working to introduce common-sense controls for on-site storage of lead-based paint debris prior to disposal.

CONCLUSION

Thank you for the opportunity to discuss some of EPA's contributions to prevent lead-based paint poisoning, just a part of our successful federal collaboration on this issue. Again, I want to thank you for your support and assure you that this Administration is looking forward to working with the Subcommittee to achieve our goal to eliminate childhood lead poisoning by 2010. I would be pleased to answer your questions.