February 13, 2015

Submitted via the Internet at www.regulations.gov

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460–0001

RE: Docket ID No. EPA–HQ–OPPT–2014–0304 – Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements

Founded in 1917, the National Lumber and Building Material Dealers Association (NLBMDA) has over 6,000 members operating single or multiple lumber yards and component plants serving homebuilders, subcontractors, general contractors, and consumers in the new construction, repair and remodeling of residential and light commercial structures. The membership and Association represent the lumber and building material (LBM) industry sector as described more fully within and as described by Scope of the Lumber and Building Material Industry (NLBMDA 2009).

Of the 6,000 members of the NLBMDA, over 70 percent offer installed sales of doors, windows, and insulation, among other items, to the general public. As NLBMDA asserted in an earlier proceeding: “Across the entire LBM sector, some 8,000 retail stores that offer installed sales nationwide, which combine for $295 billion in sales, will be treated just like any renovator impacted by the rule according to the Environmental Protection Agency (EPA), and EPA failed to include them in their economic analysis.”

In these comments, the term “renovator” is intended to refer to any individual or company subject to the Lead: Renovation, Repair and Painting (RRP) Rule, including those in LBM sector providing installed sales.

The RRP and any amendment of it therefore has a profound impact both for our member companies that own or provide product installation services, and for their

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2 This data derived from 8,000 retail stores offering installed sales taken from 2007 economic census companies in NAICS 4441.
customers, that include remodelers, firms that perform renovations, and window and door dealers.

The members of NLBMDA directly support the construction and renovation sector. Furthermore, members of NLBMDA may sell to the retail market and offer installation sales to homeowners. In either case, the EPA’s RRP rule directly impacts the LBM sector.

NLBMDA supports EPA’s proposal to eliminate the hands-on requirement for renovator refresher training. NLBMDA also supports the proposal to remove a requirement that users pay fees for each state in which they perform work under the Lead-Based Paint Activities program.

Given the lack uncertainty the underlying rule has created for a still recovering segment of the economy, this proposal eliminates a burdensome aspect of the rule before it has its negative affects. Like others, NLBMDA urges EPA to move quickly to finalize these changes so that they are in place later in 2015, when the first group of certified renovators under the 2008 final rule will need to be re-certified.

NLBMDA supports EPA’s finding that because renovators have undergone hands-on training prior to certification, and continually get hands-on work in the field, the hands-on refresher training is not necessary. Compliance will be made easier for many small businesses. On-line refresher training leverages technology to allow renovators and employees to access training in a cost effective manner. The EPA has heard from many renovators and employers in rural areas where hand-on training can result in multi-day loss of productivity and unnecessary travel and accommodation expenses.

NLBMDA also supports the EPA’s proposal to no longer require a small business to pay fees to each state in which it is certified to work. Because the RRP is a nation-wide rule subject to federal jurisdiction, the current rule is unnecessarily costly. This cost savings will be especially beneficial to small businesses that face disproportionate compliance costs from federal regulation.

The EPA should consider additional economically and scientifically justified revisions to the RRP rule. EPA should re-open the docket pertaining to the opt-out rule and propose restoring the provision to provide even greater compliance savings to small businesses, while at the same time maintaining the integrity of the RRP rule.

In April 2010, just two weeks after the agency’s RRP rule took effect, EPA eliminated an “opt-out” provision that would have allowed homeowners with no at-risk inhabitants to
choose not to have certain lead-safe practices performed during renovations in their pre-1978 homes.

The opt-out provision was originally put in place as a flexible alternative that would save homeowners money, not pose a risk to public health, and allow small contractors to remain competitive for work on home renovations.

NLBMDA submitted comments opposing the elimination of the opt-out provision. As indicated in our comments at that time, this reversal in policymaking logic was not justified and remains a significant driver of regulatory burden for renovators.

Health data used by EPA to develop the opt-out provision shows that the likely exposure levels from disturbing lead-based paint posed a risk to children aged six and under and the unborn children of pregnant women. The original provision allowed homeowners without children or pregnant women the ability to waive out of the rule’s coverage of certain practices. This provision saved homeowners money, posed no risk to children, and protected the construction and remodeling industry from unnecessary costs that they had to pass along to homeowners.

In conclusion, NLBMDA supports the proposal: 1) to eliminate the requirement that the renovator refresher training have a hands-on component and 2) to remove a requirement that users pay fees for each state in which they perform work. Prompt promulgation of this proposal is called for before those needing to recertify in 2015 will be subject to the refresher training.

Respectfully submitted,
National Lumber and Building Material Dealers Association
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President