

July 11, 2011

Honorable Harold Rogers, Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Honorable Norm Dicks, Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Rogers and Ranking Member Dicks:

We write to express our collective support for the Rehberg Amendment regarding EPA's Lead: Renovation, Repair & Painting (RRP) program for the Interior, Environment and Related Agencies appropriations bill that will be marked up tomorrow by the Committee. As representatives of thousands of businesses in the real estate, contracting, construction, and remodeling industries, we urge you to adopt the Rehberg Amendment and require the U.S. EPA to comply with its own regulation regarding renovation work in homes and buildings that may contain lead-based paint (40 CFR Part 745, subpart E (the Lead; Renovation, Repair and Painting Program - RRP)).

In August 2008, EPA finalized this regulation to require contractors to be trained and certified in lead safe work practices for renovation work in owner-occupied housing built before 1978. To be very clear, the undersigned organizations fully support efforts to protect children and pregnant women from exposures to lead-based paint in homes and buildings. Unfortunately, EPA has made compliance with the regulation as difficult and as inordinately burdensome as possible while simultaneously not complying itself.

The regulation requires EPA to have a commercially-available lead testing kit that meets specific criteria for both false-positive and false negative rates by September 1, 2010. EPA's entire economic analysis for the RRP, and its impact on small businesses, is dependent upon the availability of this test kit because the original kit (Phase I) provided false-positive rates that greatly exceeded the regulation's requirements. To date, no new accurate test kit exists and, consequently, contractors are forced to use older kits that, by virtue of their inaccuracy, are forcing compliance with lead-safe work practices on homes that otherwise would have tested negative. This means higher costs for consumers that likely do not have lead-based paint in their homes that would require compliance with the lead rule.

It is entirely fair and reasonable to expect the EPA to comply with its own regulations, particularly since the EPA is expecting the business community to comply. We, representing the real estate and contracting industries, are doing our part and it is time for EPA to do so as well. Until EPA complies with the regulation, EPA should not be allowed to enforce it onto others. **We fully support the Rehberg Amendment to withhold enforcement and implementation funding of the RRP until EPA meets the obligations under its own rules and approves a commercially-available lead test kit that meets the criteria EPA specified in its regulation.**

Respectfully,

Air Conditioning Contractors of America
Associated Builders & Contractors
Associated General Contractors of America
Building Owners and Managers Association
Hearth, Patio & Barbecue Association
Hispanic Leadership Fund
Institute for Liberty
Institute of Real Estate Management
Insulation Contractors Association of America
International Council of Shopping Centers
Manufactured Housing Institute
National Apartment Association
National Association of Home Builders
National Association of REALTORS®
National Association of the Remodeling Industry
National Federation of Independent Business
National Lumber & Building Material Dealers Association
National Multi Housing Council
National Roofing Contractors Association
Plumbing-Heating-Cooling Contractors – National Association
Small Business & Entrepreneurship Council
The Real Estate Roundtable
U.S. Chamber of Commerce
Window and Door Manufacturers Association

CC: Committee on Appropriations