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## **ELECTRONIC SUBMISSION**

February 13, 2015

Document Control Office (7407M)  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460-0001

Attention Docket ID No. EPA-HQ-OPPT-2014-0304

### **RE: Comments on EPA's Proposed Rule: Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements**

Dear Sir or Madam:

On Jan. 14, the U.S. Environmental Protection Agency (EPA) proposed revisions<sup>1</sup> to the current Lead Renovation, Repair and Painting (RRP) rule<sup>2</sup> that would eliminate the requirement that the renovator refresher training have a hands-on component and extend the recertification deadline for a portion of renovators, so they can take advantage of this change. The proposal would also eliminate the need to pay accreditation and certification fees in the multiple states where EPA administers the program for Lead-based Paint (LBP) Activities<sup>3</sup> (abatement, inspection and risk assessment). In addition, EPA proposes to clarify certain responsibilities for training providers under both the RRP and LBP Activities programs.

AGC supports EPA's proposed actions. By removing the requirement for hands-on refresher renovator training and the multi-jurisdiction fees, EPA estimates the proposed rule would save industry up to \$9.6 million per year using a 3 percent discount rate and \$9.8 million per year using a 7 percent discount rate. AGC urges EPA to move forward as quickly as possible to finalize this rule so that the tens of thousands of renovators whose certifications are set to expire

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<sup>1</sup> 80 *Fed. Reg.* 1873-1880, Jan. 14, 2015.

<sup>2</sup> 73 *Fed. Reg.* 21692-21769, April 22, 2008.

<sup>3</sup> 61 *Fed. Reg.* 45778-45830, Aug. 29, 1996.

by July 1, 2015,<sup>4</sup> will not miss out on the burden savings that this proposed rule would provide. AGC applauds EPA's proposal as an example of good public policy, consistent with numerous presidential and congressional directives to reduce the federal regulatory burdens upon small businesses, while still achieving the objectives of EPA lead paint rules, namely to achieve a fully trained and certified lead-safe workforce.

## **I. About AGC**

AGC is the leading association for the construction industry. AGC represents more than 26,500 firms, including more than 6,500 general contractors, approximately 8,800 specialty-contracting firms and more than 10,800 suppliers of equipment, materials and services. Members belong to AGC through 94 state and local chapters that blanket the country from Alaska to Puerto Rico and Maine to San Diego. A majority of AGC's contractor members are engaged in nonresidential and multifamily building construction, renovation and repair as members of the Building Division or the Federal & Heavy Construction Division. AGC Specialty Contractors perform drywall, painting, window replacement, plumbing, heating and air-conditioning, electrical and carpentry work. Census Bureau figures show that building contractors and specialty trade contractors are overwhelmingly small businesses. While AGC does not collect information on members' employee counts or revenues, it is clear from discussions with them that they are also predominantly small businesses.

AGC has been doing outreach and education on EPA's Lead RRP rule since before it took effect in 2010 and recently has published news articles reminding its contractor members of the importance of obtaining and maintaining the required training and certifications. Furthermore, a sizable number of AGC's service-provider members, as well as its affiliated chapter offices across the country, offer EPA- accredited training courses for renovation workers to satisfy their initial and recertification training requirements under the Lead RRP rule.

## **II. RRP Renovator Certification**

The proposal would eliminate the requirement to include hands-on training as part of the renovator refresher training – a course that EPA requires certified renovators to complete at least every five years to maintain their “lead-safe certified renovator” status. Accordingly, renovators seeking recertification could take the course entirely online (possibly from their own home) without having to travel to a training location to perform the hands-on activities. AGC supports this rule revision.

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<sup>4</sup> AGC notes that EPA previously has granted renovators who received their initial certification before the April 22, 2010, compliance deadline a 60-plus day grace period (until July 1, 2015) to take the refresher training to maintain certification.

AGC agrees with EPA's findings that it is not necessary for the refresher course to include hands-on training because renovators already have undergone hands-on training to secure their initial 8-hour certification, and they continue to get hands-on work in the field. By providing renovators the option to complete the required refresher training entirely on-line, the Agency will help facilitate the influx of an internet-based curriculum that will streamline compliance for regulated businesses and reduce their costs.

In order for EPA's proposal to benefit as many renovators as possible, EPA must finalize the rule in sufficient time for certified renovators (who need to complete the renovator refresher training in 2015 to stay compliant with EPA's Lead RRP rule) to be able to take advantage of on-line only training opportunities. AGC appreciates EPA's acknowledgement in the rule's preamble that finalizing the proposed rule in a timely fashion is critical to ensuring the estimated 200,000 certified renovators will benefit from the flexibility provided by the proposed rule. To this end, AGC fully supports EPA's plan to make this regulatory change effective immediately upon its publication as a final rule in the *Federal Register*. Likewise, AGC fully supports EPA's recommendation to extend – for six more months – the renovator certifications that are set to expire by July 1, 2015, to ensure that as many renovators as possible can take advantage of the proposed rule revisions.

However, the reality is that several months – and maybe longer – will pass before EPA is able to publish a final rule. In an effort to offer the regulated community more certainty, AGC supports a recommendation offered by the National Association of Home Builders (NAHB), which is to simultaneously pursue the extension to the renovator certifications that expire by July 1, 2015, as a direct-final rule.

### **III. Lead Abatement, Inspection and Risk Assessment Fees**

Currently, under EPA's LBP Activities rule, training providers, firms and individuals must seek certification and/or accreditation in each jurisdiction (e.g., a state) where the organization or person wants to work. AGC supports EPA's proposal to eliminate the requirement for separate certifications/accreditations in each state where EPA administers the federal LBP Activities (abatement, inspection and risk assessment) rule.

AGC agrees with EPA's findings that it is not necessary to certify or accredit the same applicant multiple times; certification in one EPA-administered state jurisdiction should be sufficient to perform work in any other EPA-administered state. The resultant cost savings would be especially beneficial to small businesses that face disproportionate compliance costs from federal regulation. AGC appreciates EPA's mention in the preamble that there is not a requirement for

separate certifications/accreditations in each EPA-administered state under the Lead RRP rule, which has posed no problems.

#### IV. Conclusion

EPA's proposal is a positive step that will provide AGC members and other small businesses with more options to complete the required Lead RRP refresher training course and retain their EPA certifications. Likewise, it will remove unnecessarily costly and duplicative accreditation and certification fees that apply to training professionals, individual renovators and construction firms that provide training or perform lead-based paint activities in more than one state where EPA administers the LBP Activities program.

Thank you for the opportunity to comment on this proposal and for taking the time to consider AGC's comments and recommendations. If you have any questions or require further information, please contact me, Leah Pilconis, at [pilconisl@agc.org](mailto:pilconisl@agc.org) or (703) 837-5332.

Sincerely,



Leah F. Pilconis

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