

**Associated Builders and Contractors
Air Conditioning Contractors of America
Associated General Contractors of America
Building Owners and Managers Association International
Electronic Security Association
Independent Electrical Contractors, Inc.
International Council of Shopping Centers
National Association of Home Builders
NAIOP, the Commercial Real Estate Development Association
National Association of Real Estate Investment Trusts
National Association of Realtors®
National Lumber & Building Material Dealers Association
Plumbing-Heating-Cooling Contractors-National Association
The Real Estate Roundtable
Window and Door Manufacturers Association**

May 19, 2010

Document Control Office (7407M)
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-0001
(filed online using <http://www.regulations.gov>)

Re: **Docket ID No. EPA-HQ-OPPT-2010-0173**
45-Day Request to Extend Comment Period

OPPT Document Control Office:

The undersigned organizations hereby request an extension to the comment period regarding the Advanced Notice of Proposed Rulemaking (ANPRM) published at 75 Fed. Reg. 24,848 (May 6, 2010), entitled “Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings.” The present deadline for comments is July 6, 2010. Given the complexity of the issues, the specter of a brand new regulatory program regarding renovation activities in commercial buildings, and EPA’s dearth of study in this area to date regarding commercial buildings, an extension to the comment period deadline is warranted and necessary. We submit a 45-day extension is appropriate, with comments due on August 20, 2010.

The ANPRM details the long legislative and regulatory history of HUD and EPA programs to address lead-based paint activities and hazards in “target-housing” and “child-occupied facilities.” As the ANPRM details, the studies to date to support the development of these programs have been undertaken almost exclusively in *residential* settings and have not involved any *commercial* settings. 75 Fed. Reg. at 24,854 col. 3 – 24,855 col. 1. In fact, to our knowledge, EPA has never studied the extent to which persons engaged in renovating and remodeling activities, or the occupants of, commercial buildings are exposed to lead-based paint hazards on a regular or occasional basis. EPA further acknowledges that its issuance of the ANPRM derives from a litigation settlement agreement with advocacy groups – not any known or imminent public health emergency or crisis. *Id.* at 24,851 col. 2.

In short, EPA's overwhelming (if not exclusive) focus for almost 20 years has been on lead-based paint hazards posed to children in target housing. The agency should afford the commercial real estate sector, contractors, and suppliers ample opportunity to sufficiently research and consider the legal and factual bases for EPA's unprecedented efforts to regulate renovation and remodeling in commercial buildings and other facilities that are not child-occupied.

Additionally, EPA must closely consider the impact that any lead-based paint regulations will have regarding energy efficiency and water conservation retrofits in commercial buildings. Our industry, suppliers, and contractors are committed to updating and modernizing the commercial building stock to reduce energy and power usage, conserve water, lower greenhouse gas emissions, minimize our dependence on foreign fuel supplies, and create construction jobs as part of our nation's economic recovery. Lead-based paint regulations, and the need for worker certifications to conduct lead-based paint activities, could seriously undermine these other compelling Obama Administration objectives. We believe more time is needed for EPA and the real estate sector to thoroughly examine any effects that new lead-based paint regulations for commercial buildings might have on existing programs and incentives for energy efficiency and water conservation retrofits in that same stock.

We look forward to working with EPA as it considers whether to develop lead-safe work practices and other measures for commercial buildings in the coming months. For questions and comments about this letter please contact Duane J. Desiderio, Vice President and Counsel, The Real Estate Roundtable (202/639-8400; ddesiderio@rer.org).

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