Message

From: Spielvogel, Tamra [TSpielvogel@nahb.org]
Sent: 2/6/2018 4:42:29 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Chai, Amy [achai@nahb.org]; Bolen, Derrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ffc58b0468c4deca51a8bad735b7d95-Bolen, Derr]; Hanley, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58e0d3d52d424d45ae88e4386ae4f8dd-Hanley, Mary]
Subject: RE: Meeting Request to discuss Lead; Renovation, Repair and Painting Program

Thank you Nancy, we look forward to it.

Derrick, please let me know how best to follow-up with you to review scheduling options.

Best,
Tamra

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 e: tspielvogel@nahb.org w: nahb.org

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Tuesday, February 06, 2018 11:29 AM
To: Spielvogel, Tamra <TSpielvogel@nahb.org>
Cc: Chai, Amy <achai@nahb.org>; Bolen, Derrick <bolen.derrick@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Re: Meeting Request to discuss Lead; Renovation, Repair and Painting Program

Tamra,
I'm looping in Derrick Bolen who can help with scheduling. We should be able to find a 30 minute window.
Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
Beck.Nancy@epa.gov

On Feb 6, 2018, at 11:07 AM, Spielvogel, Tamra <TSpielvogel@nahb.org> wrote:

> Dr. Beck,
>
> Good Morning. I'm reaching out to you on behalf of a small group of industry trade associations that would like an opportunity to meet with you and discuss the current status of the Lead; Renovation, Repair and Painting Program (RRP). As the EPA continues to review the implementation and evaluation of the RRP program along many fronts our groups would like to meet with you and begin a dialogue about the program and its impact on array of industry stakeholders.

Would you have any availability the week of February 12th or the 19th to meet with us?

Thank you for your consideration, I look forward to hearing from you and helping to coordinate this conversation.

Best,
Tamra Spielvogel

<image0c798c.JPG>

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 **e:** tspielvogel@nahb.org **w:** nahb.org

We Build Communities <imageee0a04.JPG> <image77d8d9.JPG> <image9e6831.JPG>

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Message

From: Spielvogel, Tamra [TSpielvogel@nahb.org]
Sent: 2/6/2018 4:06:59 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Chai, Amy [achai@nahb.org]
Subject: Meeting Request to discuss Lead; Renovation, Repair and Painting Program

Dr. Beck,

Good Morning. I'm reaching out to you on behalf of a small group of industry trade associations that would like an opportunity to meet with you and discuss the current status of the Lead; Renovation, Repair and Painting Program (RRP). As the EPA continues to review the implementation and evaluation of the RRP program along many fronts our groups would like to meet with you and begin a dialogue about the program and its impact on array of industry stakeholders.

Would you have any availability the week of February 12th or the 19th to meet with us?

Thank you for your consideration, I look forward to hearing from you and helping to coordinate this conversation.

Best,
Tamra Spielvogel

NAHB
National Association of Home Builders

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

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Message

From: Sara Decker [Sara.Decker@walmart.com]
Sent: 2/21/2018 7:37:58 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: thank you!
Attachments: Sara Decker.vcf

Hi Nancy –

Just wanted to send a quick thanks for sitting down with the group last week. If I can ever be helpful to you in your work with Safer Choice or anything else Walmart, please let me know!

S.

Sara Decker
Director, Federal Government Affairs
Walmart ✻ Save money. Live better.
O: Ex. 6
C:
Sara.Decker@walmart.com

Contact

Full Name: Sara Decker
Last Name: Decker
First Name: Sara
Company: Walmart Stores, Inc.

Business Address: 701 Eighth Street NW, Ste. 200 Washington, DC 20001

Business Phone:
Mobile Phone: Ex. 6

E-mail: sara.decker@walmart.com

Message

From: Sara Decker [Sara.Decker@walmart.com]
Sent: 2/22/2018 8:05:03 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: RE: thank you!

I don't know Karen but I'm sure I'll come across her at some point and will pass along your regards!

As for Goldberg's contact, I unfortunately don't have it myself but I've let Owen know you are looking for it. One of the other of them should be in touch.

Thanks again for your time!

S.

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Wednesday, February 21, 2018 8:05 PM
To: Sara Decker
Subject: EXT: RE: thank you!

Sara,
My pleasure! I really helps us to hear from all our stakeholders thus I'm very appreciative of those that take the time to come in. Plus, we rarely hear from people that are applauding something we do- so that is clearly a nice change.

This is a silly question, as I've not spoken to her for about 30 years, but is there any chance you have run across Karen Casey at Walmart? We were acquaintances in college and we share a mutual friend. Please send her my regards if you do know her. I believe she is in Arkansas.
And more importantly, Steve Goldberg left me a voice message but unfortunately I must have transcribed the wrong number. If you could pass along his contact information I would be grateful.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: Sara Decker [mailto:Sara.Decker@walmart.com]
Sent: Wednesday, February 21, 2018 2:38 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: thank you!

Hi Nancy –

Just wanted to send a quick thanks for sitting down with the group last week. If I can ever be helpful to you in your work with Safer Choice or anything else Walmart, please let me know!

S.

Sara Decker
Director, Federal Government Affairs
Walmart ✻ Save money. Live better.
O: Ex. 6
C:
Sara.Decker@walmart.com

Message

From: Spielvogel, Tamra [TSpielvogel@nahb.org]
Sent: 2/23/2018 8:07:08 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Chai, Amy [achai@nahb.org]
Subject: Thank You & Follow-up
Attachments: NAHB's_comments_on_HUD's_New_Federal_Strategy_Reduce_Childhood_Lead_Expo....pdf; NAHB Comment Letter 7-6-15 Test Kits Public Meeting Docket .pdf; EPA-Response-re-Test-Kits-June-6-Hearing.pdf

Dr. Beck,

Thank you for taking the time to meet with us and our colleagues yesterday. We appreciate your time and you attention to our issues raised concerning the RRP program. In follow-up to the discussion we wished to provide you with the information discussed regarding a number of individual items.

- Attached you will find a copy of NAHB's comments submitted in July of 2015 at the start of the public stakeholder engagement on the status of lead-paint test kits. In it, NAHB references the language from the 2008 Preamble regarding the Agency's intended course of action should no test kit meeting the regulatory requirements be brought to market in the expected timeframe - "if the improved test kits are not commercially available by September 2010, EPA will initiate rulemaking to extend the effective date of this final rule for 1 year with respect to owner-occupied target housing built after 1960." (*See the top of page 5 of NAHB's Comments.*) As the Agency never acted on this commitment an economic analysis to reflect the proposed action was never completed and no economic analysis of the regulation reflects the lack of a test kit coming to market in year two of the program as anticipated.
- Also attached, is a copy of NAHB's comments to HUD in response to the request for comments relating to updating the Federal Strategy to Reduce Childhood Lead Exposure submitted in November 2017.
- Finally, attached for your information is a letter received by NAHB from EPA confirming the status of the Agency's commitment of resources to the development of a lead-test kit that meets both performance requirements.

Please let me know if you have any questions about this material. We look forward to continued opportunities to work with you and the staff at OCSPP on the RRP program moving forward. Again, thank you for your time.

Best,
Tamra Spielvogel

NAHB
National Association of Home Builders

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 31 2013

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Tayyaba Waqar
Program Manager, Environmental Policy
National Association of Home Builders
1201 15th Street NW
Washington, DC 20005

Dear Ms. Waqar:

It was a pleasure to meet with you on June 6, 2013 to discuss the U.S. Environmental Protection Agency's Lead Renovation, Repair and Painting Program and, specifically, the status of the ongoing recognition of lead test kits. I wanted to follow up to clarify the agency's current position on this matter.

The RRP Rule regulatory text at 40 CFR § 745.88(a) states that test kits recognized as of June 23, 2008 are appropriate for use "until EPA publicizes its recognition of the first test kit that meets both the negative response and positive response criteria in paragraph (c) of [40 CFR § 745.88]." Similar language in 40 CFR § 745.88(b)(3) states "[t]he recognition of kits that meet only this [false negative] criteria will last until EPA publicizes its recognition of the first test kits that meets both of the criteria in paragraph (c) of [40 CFR § 745.88]." This position is provided publicly on the EPA's "Recognition of Lead Test Kits" web page, available at http://www2.epa.gov/lead/epa-recognition-lead-test-kits.

As stated in the preamble to the 2008 RRP rule, EPA determined that the EPA's Environmental Technology Verification Program (ETV) is a suitable vehicle for obtaining independent laboratory validation of test kit performance and that EPA intends to use ETV or an equivalent testing program to evaluate test kits. After a test kit has gone through the ETV or other EPA approved testing process, EPA will review the test report to determine whether the kit has been demonstrated to achieve the criteria set forth in the rule. EPA further stated that any recognition granted to test kits based only on the false negative criterion will expire when EPA publicizes its recognition of the first improved test kit that meets both the false negative and false positive criteria of 40 CFR 745.88(c).

The EPA put forth significant effort and resources to foster the development of a test kit that would meet both the false negative and false positive criteria outlined in the RRP rule. On September 1, 2008, EPA's ETV program began accepting applications for testing from test kit manufacturers. For more than two years the EPA supported test kit research and development efforts by several private companies by funding not only the manufacture of reference materials, but also the technical evaluation of test kits through the ETV program. In addition to the two test kits that were recognized by the EPA in 2008, the EPA recognized an additional test kit in 2010 as a result of these efforts. In addition, an existing test kit received EPA recognition for use on additional substrates in 2012.

Despite the EPA's commitment of resources to this effort, to date no company's test kit has met both of the performance criteria outlined in the RRP rule. The EPA is unaware of any test kit currently available or under development that would meet the positive criterion. However, there are two EPA-recognized

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test kits commercially available nationwide that meet the false negative criterion and continue to be recognized by EPA. The performance verification data indicate that the false positive rate for these kits varies from 22.5% to 84% depending on the test kit used, the substrate tested (e.g., wood, metal, plaster or drywall), color of paint tested and operator experience. Performance verification reports for EPA-recognized test kits are posted on EPA's website at http://www2.epa.gov/lead/epa-recognition-lead-test-kits#verify.

At this time, the EPA has no plans or resources to sponsor additional testing of kits as was done previously through the agency's ETV Program. However, any commercial entity that wishes to receive EPA recognition may have ETV Program, or equivalent, evaluation performed and bring their kit and evaluation results to the EPA for potential recognition. To date, one company has done this, which resulted in EPA recognition in 2012; hence, in the interest of fairness, the EPA would proceed this way in the future.

Again, thank you for your interest in this matter. If you have additional questions or concerns, please contact Dr. Tala R. Henry, Director of the National Program Chemicals Division within my office, at (202) 564-2959.

Sincerely,

James J. Jones
Acting Assistant Administrator

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a violation of TSCA sections 15 and 409 (15 U.S.C. 2614 and 2689).

(c) Failure or refusal to permit entry or inspection as required by 40 CFR 745.87 and TSCA section 11 (15 U.S.C. 2610) is a violation of sections 15 and 409 (15 U.S.C. 2614 and 2689).

(d) Violators may be subject to civil and criminal sanctions pursuant to TSCA section 16 (15 U.S.C. 2615) for each violation.

(e) Lead-based paint is assumed to be present at renovations covered by this subpart. EPA may conduct inspections and issue subpoenas pursuant to the provisions of TSCA section 11 (15 U.S.C. 2610) to ensure compliance with this subpart.

[63 FR 29919, June 1, 1998, as amended at 73 FR 21763, Apr. 22, 2008]

§745.88 Recognized test kits.

(a) Effective June 23, 2008, EPA recognizes the test kits that have been determined by National Institute of Standards and Technology research to meet the negative response criteria described in paragraph (c)(1) of this section. This recognition will last until EPA publicizes its recognition of the first test kit that meets both the negative response and positive response criteria in paragraph (c) of this section.

(b) No other test kits will be recognized until they are tested through EPA's Environmental Technology Verification Program or other equivalent EPA approved testing program.

(1) Effective September 1, 2008, to initiate the testing process, a test kit manufacturer must submit a sufficient number of kits, along with the instructions for using the kits, to EPA. The test kit manufacturer should first visit the following website for information on where to apply: *http://www.epa.gov/etv/howtoapply.html*.

(2) After the kit has been tested through the Environmental Technology Verification Program or other equivalent approved EPA testing program, EPA will review the report to determine whether the required criteria have been met.

(3) Before September 1, 2010, test kits must meet only the negative response criteria in paragraph (c)(1) of this section. The recognition of kits that meet only this criteria will last until EPA publicizes its recognition of the first test kits that meets both of the criteria in paragraph (c) of this section.

(4) After September 1, 2010, test kits must meet both of the criteria in paragraph (c) of this section.

(5) If the report demonstrates that the kit meets the required criteria, EPA will issue a notice of recognition to the kit manufacturer, provide them with the report, and post the information on EPA's website.

(6) If the report demonstrates that the kit does not meet the required criteria, EPA will notify the kit manufacturer and provide them with the report.

(c) *Response criteria*—(1) *Negative response criteria.* For paint containing lead at or above the regulated level, 1.0 mg/cm^2 or 0.5% by weight, a demonstrated probability (with 95% confidence) of a negative response less than or equal to 5% of the time.

(2) *Positive response criteria.* For paint containing lead below the regulated level, 1.0 mg/cm^2 or 0.5% by weight, a demonstrated probability (with 95% confidence) of a positive response less than or equal to 10% of the time.

[73 FR 21763, Apr. 22, 2008]

§745.89 Firm certification.

(a) *Initial certification.* (1) Firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling. To apply, a firm must submit to EPA a completed "Application for Firms," signed by an authorized agent of the firm, and pay at least the correct amount of fees. If a firm pays more than the correct amount of fees, EPA will reimburse the firm for the excess amount.

(2) After EPA receives a firm's application, EPA will take one of the following actions within 90 days of the date the application is received:

(i) EPA will approve a firm's application if EPA determines that it is complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. An application is complete if it contains all of the information requested on the

National Association of Home Builders

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July 6, 2015

James Jones, Assistant Administrator
United States Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention.
1200 Pennsylvania Ave. N.W., (7101M)
Washington, DC 20460

(Submitted electronically via website *www.regulations.gov*)

RE: Comments on Lead; Renovation, Repair and Painting Program; Lead Test Kit Stakeholder Meeting; Notice of Public Meeting (EPA–HQ–OPPT–2005–0049)

Dear Assistant Administrator Jones,

On May 14, 2015, U.S. Environmental Protection Agency (EPA) published a notice of public meeting in the *Federal Register* announcing a "Lead; Renovation, Repair and Painting Program; Lead Test Kit Stakeholder Meeting."[1] Acting in response to a Congressional directive EPA is seeking information related to:

1) The existing market for lead test kits as referenced in the 2008 Lead; Renovation, Repair and Painting Program rule;

2) The development or modification of lead test kit(s) that may meet the EPA's positive-response criterion (in addition to the negative-response criterion); and

3) Other alternatives for lead-based paint field testing.

The National Association of Home Builders (NAHB) appreciates the opportunity to provide comments on this important issue. The comments included in this letter are intended to supplement and expand upon those comments made by NAHB member and former NAHB Remodelers Chair Bob Hanbury at the June 4, 2015 public meeting.

NAHB is a Washington, D.C.-based trade association representing over 140,000 builder and associate member firms that are organized in more than 700 affiliated state and local associations in all fifty states, the District of Columbia, and Puerto Rico. The organization's membership includes those who design, construct, and supply single-family homes; build and manage multi-family, light commercial, and industrial structures; develop land; and remodel existing homes.

Over 80 percent of NAHB's members are classified as "small businesses," as defined by the U.S. Small Business Administration (SBA), 55,000 NAHB members indicate they are involved in remodeling, and NAHB members collectively employ over 3.4

[1] 80 *Federal Register* 27621-27623 (May 14, 2015)

million people nationwide. Collectively, NAHB's members will construct about 80% of the new housing units projected for 2015.

Overview

On April 22, 2008, EPA published the final rule for the Lead-Based Paint Renovation, Repair and Painting (RRP) program. This regulations established requirements, effective April 22, 2010, that contractors use lead-safe work practices during renovation, repair, and painting activities that disturb lead-based paint in target housing and child-occupied facilities built before 1978 unless a determination can be made that no lead-based paint would be disturbed during the renovation or repair. Among other provisions outlined in the 2008 rule, it was established by EPA that an EPA-recognized lead test kit, when used by a certified renovator, could be used to reliably determine whether federally regulated levels of lead-based paint is present. If regulated levels of lead-based paint[2] is not present there is no requirement to employ lead-safe work practices under the RRP rule. The rule was amended in 2010 by EPA when, among other provisions, the opportunity to opt-out was removed from the program. The opt-out allowed homeowners to affirmatively opt-out of the requirements of the RRP program when no children under six or pregnant women were present in the target housing under renovation. Elimination of the opt-out provision affected 39,886,000 units, according to the economic analysis prepared by EPA and resulted in the RRP rule covering millions of additional pre-1978 homes that were not previously subject to the rule. The 2010 amendments made no change to the use of the lead test kit or the assumptions EPA made regarding the ability to bring to market a commercially available, reliable, affordable lead-test kit that met all of the regulatory required criteria.

At the time the 2008 rule was finalized no available test kit met the criteria established by EPA under the regulation. Under 40 CFR 745.88(c) for a lead test kit to be recognized by EPA it must meet separate negative-response and positive-response criteria which essentially relate to the probability of receiving false negative results and false positive results when using the test kit.

- 40 CFR 745.88(c)(1). The negative-response criterion states that for paint containing lead at or above the regulated level, 1.0 mg/cm2 or 0.5% by weight, a demonstrated probability (with 95% confidence) of a negative response less than or equal to 5% of the time must be met.

- 40 CFR 745.88(c)(1)-(2). The positive-response criterion states that for paint containing lead below the regulated level, 1.0 mg/cm2 or 0.5% by weight, a demonstrated probability (with 95% confidence) of a positive response less than or equal to 10% of the time must be met.

To date, there are only two lead test kits recognized by EPA and available nationwide and both have only met the negative-response criterion. EPA stated that this recognition will remain in effect until EPA announces recognition of the first test kit that meets both criteria established in the rule.[3] Under the regulation, all lead test kits recognized after September 1, 2010 must meet both the negative-response and positive-response criteria.

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[2] The standard is set at content levels that equal or exceed a level of 1.0 milligram per square centimeter (mg/cm2) or 0.5 percent by weight.
[3] http://www2.epa.gov/lead/lead-test-kits (accessed July 1, 2015)

The lack of a test kit meeting both response criteria was reflected in the required economic analysis which was prepared when the original regulations for the program were being finalized in 2008 and again when the program was amended in 2010. In both cases, the agency recognized that a test kit satisfying both criteria would not be available in the first year the rule was effective. However, EPA assumed that in year two of the program a qualified, recognized test kit would be available and on the market. Indeed, EPA estimated that the number of RRP renovation events would be reduced by almost half, from 8.4 million in the first year to 4.4 million in the second year, solely because of the availability of a qualified test kit.[4] EPA also projected a significant decrease in the cost of the RRP program from $758 million in the first year to $407 million in the second year.[5] Similar, though not identical, language was included in both analyses explaining EPA's assumptions:

> Because not all buildings built before 1978 have lead-based paint, the number of renovation events that need to use lead safe work practices (LSWP) is a subset of the total number of events covered by the rule. Currently available test kits for detecting whether lead-based paint is present have a high false positive rate resulting in the frequent use of lead safe work practices when they are not necessary, i.e., when lead-based paint is not present. EPA is working on the development of test kits that accurately identify both the presence and absence of lead in paint at levels that exceed the Federal standards. This analysis assumes that improved test kits will be in use starting in June 2011. Thus, the number of events with lead safe work practices is estimated to decrease from the first year to the second year because of the adoption of the improved test kits.[6]

NAHB has been actively engaged in EPA's lead-based paint program for the residential sector since its inception and has maintained a commitment over time to program implementation including consistently advocating on behalf of the remodeling industry on the importance of obtaining and maintaining the required training and certification under EPA's RRP rule. In line with that commitment, NAHB has repeatedly raised concerns over the practical implications for the program resulting from the fact that a reliable pre-renovation test kit that can be used to determine if regulated levels of lead are present, as defined, on painted surfaces in pre-1978 structures has never been brought to market. In fact, EPA itself eloquently summarized the need for test kits in the announcement for the June 4th public meeting stating "lead test kits recognized by EPA should also serve as a quick, inexpensive, reliable, and easy to perform option for lead-based paint testing in the field."[7]

In June 2013, NAHB met with EPA to discuss ongoing work related to recognition of lead test kits. In a July 31, 2013 response letter to NAHB, EPA clearly stated that the agency would make no additional commitment of resources to foster the development of a test kit that would meet both the false negative and false positive criteria outlined in the RRP rule; nor would EPA provide any additional support for test kit research and development efforts by private companies. NAHB understands the fiscal constraints EPA has faced and the technical limitations that have limited

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[4] U.S. Environmental Protection Agency, (2008). *Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Final Rule for Target Housing and Child-Occupied Facilities.*
[5] *Id.*
[6] U.S. Environmental Protection Agency, (2010). *Economic Analysis for the LRRP Opt-Out and Recordkeeping Final Rule.*
[7] 80 *Federal Register* 27623 (May 14, 2015)

advancements in developing a viable test kit. However, the decision by EPA to relinquish responsibility for a key component of the program on which the EPA economic analysis and subsequent program design choices were founded remains troubling.

As a result of EPA's decision, the RRP rule is increasingly applied to buildings that may otherwise have been excluded from the scope of the rule by a test kit that can accurately reflect the presence of regulated levels of lead-based paint. Without a reliable test kit, certified renovators must either assume lead-based paint is present and apply lead safe work practices, or use an EPA approved test kit with the knowledge that the results are likely to be inaccurate. Ultimately, renovators and their customers are left assuming the burden of additional costs and requirements associated with the rule – all without the reassurance that these burdens address a lead-based paint hazard.

Ensuring a structurally sound regulatory program that accurately reflects the on the ground realties faced by the remodeling industry will ultimately result in a more robust program overall. As it is currently being implemented the program is an inefficient tool for achieving the environmental and health goals of the underlying statute and regulation. The use of time, resources, and capitol on RRP renovation jobs that could otherwise have been deemed outside the rule's scope of coverage undermines the programs ability to target resources where they are most needed. The increased costs of these renovation jobs can also contribute to homeowners increasing their risk by putting off needed renovations, taking them on themselves or turning to uncertified contractors acting in violation of the rule.

As the representative from the U.S. Department of Housing and Urban Development raised during his statement at the public meeting, the lack of a test kit satisfying the RRP's requirements undermines the government's ability to meet both its responsibility to protect the health of the public and be good fiduciary stewards of the money it is entrusted to oversee. While he spoke in his role as a public servant, the same can be said for the relationship between renovators and their clients and paints a clear picture as to why the lack of a commercially available, reliable, affordable lead-test kit is such a concern for the remodeling industry.

Economic Analysis

The lead test kit status quo has concerned NAHB for many years as the economic analysis of the RRP rule conducted in 2008 for the final rule and for the 2010 amendments was predicated on the fact that a reliable, affordable field test kit would be available on the market in year two of the program. While some stakeholders will argue that the cost effectiveness of the testing option is not EPA's concern, under both the statute, existing Executive Orders, and related guidance documents EPA is required to be concerned with the cost effectiveness of the rule. First, as EPA has clearly acknowledged in the regulatory preamble to the 2008 final rule, the agency "as directed by TSCA section 2(c), considered the environmental, economic, and social impact of this rule."[8] In addition, the regulations for the RRP program have consistently been subject to interagency review under Executive Order (E.O.) 12866. Under E.O. 12866, "Regulatory Planning and Review,"[9] each agency is to identify and assess available alternatives to direct regulation and alternative forms of regulation to reduce costs and burdens. Agencies must also assess the costs and benefits of proposed regulations and only adopt those whose benefits justify their costs. Importantly, E.O. 12866 also requires agencies to base regulatory decisions "on the best

[8] 73 *Federal Register* 21701 (April 22, 2008)
[9] 58 Fed. Reg. 51,735 (Sept. 30, 1993).

reasonably obtainable scientific, technical, economic, and other information concerning the need for and consequences of the intended regulation."[10]

Furthermore, EPA was so confident that an improved test kit would be in use by the second year of the program that in the preamble to the final rule in 2008 the Agency committed that "if the improved test kits are not commercially available by September 2010, EPA will initiate rulemaking to extend the effective date of this final rule for 1 year with respect to owner-occupied target housing built after 1960."[11] Quite obviously that time has come and gone and EPA has failed to hold up its commitments to the regulated community. However, five years later the opportunity exists, through stakeholder engagement such as this, to examine what the real world implications of this failure have been and to look toward practical fixes to reform the program moving forward.

Existing Alternatives Can't Substitute For Lead Test-Kit

NAHB acknowledges that two additional testing methods currently exist but would remind EPA that both methods also existed at the time the rule was first being developed. The two testing options are hand held XRF testing and the submitting of paint chip samples for subsequent chemical analysis by an EPA accredited laboratory under the National Lead Laboratory Accreditation Program (NLLAP). NAHB continues to believe that neither of these two existing lead-based paint testing methods serves as substitutes for the reliable, affordable lead-based paint test kit that this rule was predicated on. Furthermore, EPA evaluated and dismissed both of these existing lead-based paint testing methods as both infeasible and too expensive during the development of the original RRP rule for compliance with the rule. While both have subsequently been approved for use in the absence of a reliable test kit the practical issues renovators face when contemplating the use of either an XRF or paint chip analysis to test for the presence of lead-based paint illustrate why they cannot serve as a direct substitute for the test kit.

Paint chip analysis is not a field test. Once collected the samples must be sent off to a certified laboratory for analysis costing the consumer money in the form of project delay and preventing the certified renovator from legally beginning work. Meanwhile, while XRF analysis can at least provide immediate results in the field there remain several practical, economic, and even regulatory barriers that will prevent XRF testing from ever serving as an equivalent tool to the quick, affordable, and reliable lead test-kit envisioned by EPA under the final RRP rule. For example, in looking specifically at XRF testing the additional costs, whether absorbed by a company directly or through contracting with an outside firm, can include meeting requirements for additional certification and training to operate the XRF testing device, capital investment in the XRF equipment, and the obvious delays resulting from a certified renovator having significantly more potential job sites requiring lead-based paint testing than available XRF devices and certified staff to operate the testing device. All of these factors contribute to the result that neither XRF nor paint chip analysis can serve as a functional equivalent of the lead test-kit as envisioned by the original rule. Finally, it would be contrary to the agency's original intent under the rule to require certified renovators to rely upon lead testing methods which they cannot perform themselves without subsequent training and certifications from both EPA and the states.

A Practitioner's Quagmire

For some renovators restrictions on the use of the test kits already exist at both the state and federal level due in part to the questionable reliability of the test kits. For others, operating in states such as Illinois, it is illegal for the RRP certified renovator to be the one testing for the

[10] *Id.* § 1(b)(7).
[11] 73 *Federal Register* 21713 (April 22, 2008)

presence of lead and they must bring in a state certified third party to do any testing. Couple all this with the broader regulatory and market constraints associated with other testing options (e.g. XRF) and most certified renovators are left with limited choices in the field.

Furthermore, homeowners subject to 1018 disclosure requirements must also grapple with the uncertainty of test kits. Despite the questionable reliability of the lead test kits homeowners must disclose any known results when they go to sell their property. While EPA and HUD have also encouraged homeowners to disclose information about the reliability of the tests the prospects of a false positive reading elevates concern for homeowners. As a result, the decision to act under the presumptive presence of lead may also be driven by the clients themselves faced with the lack of a test kit that meets both the positive and negative criteria of the regulation.

The resulting quagmire practitioners' face is that without a reliable, affordable field test kit or a cost competitive realistic alternative the most "reasonable" choice available has been to act under the presumptive presence of lead. In other words, for any home or child occupied facility built before 1978 the renovator chooses to apply the requirements of the RRP rule despite the possibility that no lead-based paint is present. As a result, certified renovators are over applying the rule increasing the number of RRP events beyond any reasonable estimates for the program and creating an unnecessary burden on their businesses and their clients. According to EPA, as illustrated in Figure 1, 24 percent of homes built between 1960 and 1977 contain lead-based paint. As a result, when renovators act under the presumptive presence of lead in dealing with this segment of housing stock that means that 76 percent of the time the rule is likely being applied in a home never intended to be covered by the RRP rule. Applying this rule in such a manner doesn't serve to provide the desired health benefits or mitigate a hazard to pregnant women or children under 6 and goes well beyond the scope and intent of the statute and the regulation. In fact the opt-out was originally included by EPA in the 2008 rule to help address this concern of over application of the rule.

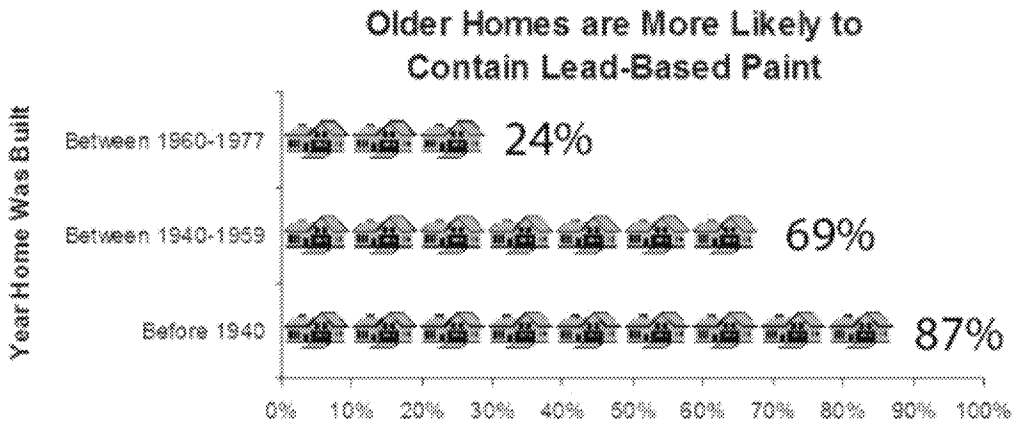

Figure 1[12]

In addition, acting under the presumption of presence not only results in an over-application of the rule increasing regulatory costs and reducing the efficiency and efficacy of the rule but it also opens up the regulated community to unnecessary liability concerns. Once a certified renovator presumes the presence of lead, then all requirements of the rule go in effect. Should EPA initiate an inspection, that inspector will likewise presume the presence of lead. Thus, despite the fact

[12] http://www2.epa.gov/lead/protect-your-family#sl-home (accessed on May 5, 2015)

that TSCA enforcement of the RRP rule is limited to actual creation of lead-based paint hazards[13], renovators may endure lengthy and invasive federal investigations and be forced to pay thousands in fines even though a lead-based paint hazard never existed.

The renovator will be subject to record keeping and work practice requirements equivalent to a work site where lead paint is known to be present and if an enforcement action is taken there will be no difference between the two sites. The potentially burdensome enforcement weight the regulated community finds itself voluntarily assuming because of a flawed regulatory structure runs counter to the intent of the test kit provisions and the design of the program as assumed in both the 2008 and 2010 economic analyses.

June 4, 2015 Stakeholder Meeting

NAHB is encouraged by the initiation of the stakeholder dialogue called for by Congress in the report language accompanying the FY 2015 Consolidated and Further Continuing Appropriations Act:

> The Agency is directed to prioritize efforts with stakeholders in fiscal year 2015 to identify solutions that would allow for a test kit to meet the criteria within the 2008 rule to reduce costs for consumers, remodelers and families to comply with the rule. If no solution is reached by the end of the fiscal year, EPA should revisit the test kit criteria in the 2008 rule and solicit public comment on alternatives.[14]

In addition, NAHB appreciates the ongoing nature of this dialogue and the opportunity to offer additional thoughts on issues raised at the June 4th meeting. While all federal lead based paint programs are ultimately moving to the same end – mitigating the hazards presented by exposure to lead based paint – they are by design very different programs. These programs are carried out by different agencies, under varying regulatory constraints and targeting different segments of the regulated community.

Regulated Level of Lead

The establishment of the regulated level of lead at 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight was done through statute when Congress adopted the Residential Lead-based Paint Hazard Reduction Act of 1992.[15] Provisions were made to provide the Secretary of Housing and Urban Development (HUD) and the EPA Administrator with the ability to modify that level through regulation. However, only HUD can modify the regulated lead level as it applies to target housing units. As such, it is beyond the scope of EPA's current efforts to consider a change in the definition of lead-based paint for the purposes of the RRP program.

Despite this regulatory authority, HUD has taken a different approach and focused on funding research into test kits that would meet both the false positive and false negative criteria using the established regulated level of lead. Testimony was provided during the public meeting on June 4, 2015 from a HUD-funded company working to adapt existing test kits to address the issues that arise due to their sensitivity to the presence of lead in paint at levels well below the regulated level. NAHB commends HUD for its continued commitment to research despite the 2013 decision by EPA to end its research on lead test kits.

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[13] 15 U.S. Code § 2682(c)(3)
[14] Joint Explanatory Statement in the Congressional Record for P.L. No: 113-235
[15] P.L. 102-550

Renovation is not Abatement

Furthermore, at the June 4th meeting the discussion of the regulated level of lead was extended to also include the concept that EPA should examine whether RRP requirements be applied in situations where lead-based paint is present at lower than regulated levels. To do so would blur the line between the concepts of renovation, covered under RRP, and abatement, covered under separate EPA regulations. Under 40 CFR § 745.83 the term renovation is defined for the purposes of establishing the scope of covered activities under the RRP program. The regulation states that "[r]enovation means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 CFR 745.223)." Through the establishment of this distinction, EPA clearly differentiated renovation activities from abatement activities speaking to the difference in intent, practice, and outcome associated with the two different types of activities. This distinction is critical given the presumption by some stakeholders that an examination of the test kit issue can and should result in a reexamination of the very foundation of this program.

EPA itself, in the preamble to the 2008 regulation, stated that "EPA is not interested in teaching persons how to be painters, plumbers, or carpenters. Rather, EPA's objective is to ensure that persons who already know how to perform renovations perform their typical work in a lead-safe manner."[16] As such, requiring RRP compliance when lead-based paint is present at lower than regulated levels would go beyond the scope of the current Congressional directive, would alter the foundation of the program, and exceed the statutory authority provided to the agency under 402(c)(3) of the Toxic Substances Control Act (TSCA).

While these are only two examples of items raised during the meeting NAHB would urge EPA to be extremely cautious in expanding the scope of the current undertaking. NAHB's recommendations have been narrowly tied to the absence of the test kit, a component of the regulation, and the potential remedies that may be a means of achieving the goals it was originally aimed at providing. While the inclusion of a yet to be developed technology in regulation can drive technological innovation that clearly has not occurred to date with regards to the RRP lead test kits. EPA should not sit back and ignore the reality of program implementation and the unintended consequences of what happens when practitioners must act absent that necessary technological innovation.

Next Steps

While NAHB applauds HUD for continuing research on test kits, and is pleased to see EPA seek stakeholder input, it is clear that a test kit meeting the Rule's requirements will not be available for the foreseeable future. In order to provide all parties with an adequate understanding of the RRP Rule's true costs and benefits, NAHB urges EPA to revisit and revise the economic analysis developed for the program. The Agency's original economic analysis for the RRP rule was predicated on a faulty assumption that presumed a commercially available, reliable, and affordable lead-based test kit that met the regulatory criteria would be available in year two of the program. In fact EPA estimated that once reliable test kits were available in the second year of the rule's implementation, the number of work sites covered by the rule would be cut in half.[17]

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[16] 73 *Federal Register* 21701 (April 22, 2008)

[17] U.S. Environmental Protection Agency. (2008). *Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Final Rule for Target Housing and Child-Occupied Facilities.*

In reality, the lack of reliable test kits which meet both the positive and negative criteria as outlined in the 2008 RRP regulation calls into question EPA's original economic analysis upon which the requirements for the rule were based. Furthermore, the fact that the economic analysis for both the original 2008 regulation and the 2010 amendment were both predicated on this assumption undermines the validity of the data presented to the Office of Management and Budget during review of the rules under E.O. 12866. As such, it calls into question whether the program as it currently exists would have been adopted if the economic analysis would have been based on existing technology and not the development of an elusive test kit yet to be developed.

NAHB urges EPA to initiate as expeditiously as possible a review and revision of the economic analysis. A new economic analysis of the Residential RRP regulation should be conducted separate from actions EPA is undertaking in relation to other rulemaking proceedings and should take into account the underlying environmental, health and economic impacts of the RRP program. NAHB urges EPA to consider the adoption of measures that limit the scope of coverage and ensure that the estimated number of RRP events is more reflective of the goals and intents of the program. For example, EPA could limit the scope of housing stock covered by the regulation to homes built before 1960 which have a greater likelihood of containing lead-based paint. Furthermore, EPA could revisit the issue of an opt-out or other regulatory alternatives to ensure that the rule is effectively targeting the at risk population identified in the regulatory hazard finding avoiding application of the RRP program where lead-based paint hazards are not present.

The program as it is currently being implemented cannot efficiently target the underlying environmental and health goals it was established to meet. To address this deficiency EPA should act to narrow the targeted scope of the rule to cover those homes most likely to contain lead-based paint and those most likely to present an exposure risk to children under 6 or pregnant women. By effectively retargeting this program through an accurate economic analysis and a realistic evaluation of available tools and resources EPA will ensure that the RRP program moving forward works better for not only the certified renovators operating within the program but also for the clients and communities they serve.

Thank you for your consideration. NAHB staff and its members stand ready to work with EPA during the entirety of this stakeholder outreach process and welcome any opportunity to participate in individual follow-up meetings. As with any regulation, meaningful retrospective review of the program following implementation is key to identifying opportunities to improve the program, reduce unnecessary regulatory burdens and eliminate unintended consequences without undermining the effectiveness and integrity of the program or impeding the underlying environmental objective of the authorizing statute.

Please do not hesitate to contact me at (202) 266-8327 or tspielvogel@nahb.org if you have any questions or if you would like to discuss NAHB's comments further.

Sincerely,

Tamra Spielvogel
Environmental Policy Program Manager
National Association of Home Builders

National Association of Home Builders

Housing Finance and Regulatory Affairs/ Environmental Policy
Tamra Spielvogel
Program Manager
tspielvogel@nahb.org

November 20, 2017

Warren Friedman, Ph.D., CIH
Senior Advisor to the Director
U.S. Department of Housing and Urban Development
Office of Lead Hazard Control and Healthy Homes
451 7th Street S.W., Room 8236
Washington, D.C. 20410

Comments submitted electronically to FedLeadStrategy@nih.gov

Re: Drafting a New Federal Strategy To Reduce Childhood Lead Exposures and Impacts: Request for Information [Docket No. FR–6049–N–01]

Dear Dr. Friedman:

On behalf of the National Association of Home Builders (NAHB), I appreciate the opportunity to submit the following comments in response to the Department of Housing and Urban Development's (HUD) request for information, "Drafting a New Federal Strategy To Reduce Childhood Lead Exposures and Impacts."[1]

NAHB is a federation of more than 700 state and local home builder associations nationwide. The organization's membership includes over 140,000 firms engaged in land development, single and multifamily residential construction, remodeling, multifamily ownership and management, building material trades, building products manufacturing and supply, and commercial and light industrial construction. Collectively, NAHB's members employ more than 1.26 million people and construct about 80 percent of all new housing units built within the U.S. each year.

Specifically, NAHB seeks to respond to the Lead Subcommittee of the President's Task Force on Environmental Health Risks and Safety Risks to Children (Task Force) request for public comment on a new federal lead strategy being developed by the Task Force. NAHB has been actively engaged in lead-based paint programs for the residential sector since these programs were first created. For example, NAHB has worked closely with the Environmental Protection Agency (EPA) as it developed and implemented the Lead; Renovation, Repair, and Painting (RRP) Program. The RRP Program impacts NAHB remodeler members who work in target housing. Throughout the program's development and implementation, NAHB has facilitated stakeholder engagement and provided ongoing input to EPA. NAHB appreciates the opportunity to expand that effort to include working with the Task Force as it seeks to update its federal strategy document aimed at reducing childhood lead exposures and impacts.

[1] 82 Fed. Reg. 49,226 (October 24, 2017).

NAHB remains committed to working with the federal government to eliminate the risk of lead poisoning and supports the goal of eliminating childhood lead poisoning. Thanks to the ongoing work of the Centers for Disease Control and Prevention (CDC), through the National Health and Nutrition Examination Survey (NHANES), as well as the EPA's "America's Children and the Environment" report, we know that the concentration of lead in the blood of children ages 1 to 5 years has dropped significantly from 1976-1980 to 2013-2014.[2] As reported by the Task Force in 2016, the median concentration of lead in the blood of children ages 1 to 5 years dropped from 15 µg/dL in 1976–1980 to 0.7 µg/dL in 2013–2014, a decrease of 95 percent; the concentration of lead in blood at the 95th percentile in children ages 1 to 5 years dropped from 28 µg/dL in 1976–1980 to 2.2 µg/dL in 2013–2014, a decrease of 92 percent.

While data continue to be collected on elevated blood lead levels, it is challenging to fully understand the implications of that data if environmental data is not simultaneously being collected. How can HUD, EPA or CDC provide accurate reports on the causation of the elevated levels if NHANES does not also track the source of those levels? The NHANES study last included testing collection of lead dust samples as a part of the examination survey content in 2003-2004.[3]

This is especially important if the task force looks to expand the scope of the range of its 2000 report, "Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards." While the Task Force has previously focused primarily on the impacts of lead-based paint hazards, recent events have once again brought to light the fact that other environmental sources remain as potential points of childhood lead exposure. Reliable and publicly accessible data is needed to ensure that the assortment of programs targeting lead hazards are truly aimed at those in greatest need. NAHB urges the Task Force to examine sources of exposure in addition to elevated blood level surveillance.

NAHB further urges the Task Force to recommend that research identify specific geographic areas and demographic groups who reside in housing stock (i.e. owner-occupied and rental housing) covered by targeted programs such as EPA's RRP rule and report what portion of these children are still at risk from lead hazards. Such data would not only benefit the regulated community by highlighting specific geographical areas of country, or even the age of housing stock that represents the most significant risks; but could also inform the states that have received delegation from EPA to administer the RRP rule by helping EPA delegated states focus their own inspection and enforcement efforts under the RRP rule. Without this data, limited public and private resources stand to be misused on programs that fail to target those areas where lead exposure poses the most risks.

For example, data about the presence of lead-based paint hazards in pre-1978 structures is vital to the work of NAHB's remodeler members and the customers they serve, as it is the trigger for the lead-safe work practices required by the RRP regulation. Currently the rule is being implemented without the full set of tools originally envisioned when adopted. The lack of a market-ready, commercially available, accurate EPA-recognized lead-based paint (LBP) test kit has real world implications for efforts to

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[2] https://ptfceh.niehs.nih.gov/features/assets/files/key_federal_programs_to_reduce_childhood_lead_exposures_and_eliminate_associated_health_impactspresidents_508.pdf see pg.

[3] https://www.cdc.gov/nchs/data/nhanes/survey_content_99_16.pdf see pg. 9

Sierra Club v. EPA 18cv3472 NDCA Tier 7 ED_002061_00038366-00002

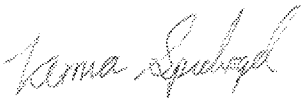
reduce childhood lead exposure and its impacts.

Lacking an accurate EPA approved LBP test kit, certified renovators working on pre-1978 homes or child-occupied facilities must still determine if RRP applies. They must either (i) assume lead-based paint is present or (ii) use an available test kit that is prone to "false positive" results. Both options have caused certified renovators to over-apply EPA's RRP rule in buildings that do not present any actual lead-based paint hazard.

According to HUD, only 24 percent of homes built between 1960 and 1977 contain lead-based paint.[4] This means that when renovators assume that lead is present in these pre-1978 homes, it is likely that *76 percent of the time renovators are applying the rule in a home never intended to be covered by the program*. This over-application of EPA's rule imposes significant costs on homeowners and EPA certified renovators alike, while also creating a significant recordkeeping burden and potential EPA enforcement risk for the EPA certified renovator. A lack of updated demographic data, coupled with over-application of the RRP rule means resources are not being targeted where they are most needed.

Please contact me at tspielvogel@nahb.org or (202) 266-8327 if you have any questions. NAHB looks forward to working with the Task Force as it drafts the new "Federal Strategy To Reduce Childhood Lead Exposures and Impacts" and to reviewing how the new Strategy may impact various aspects of the communities and industries we serve.

Sincerely,



Tamra Spielvogel
Environmental Policy Program Manager
National Association of Home Builders

[4] HUD, *American Healthy Homes Survey: Lead and Arsenic Findings* (April 2011) at 14 (Table ES-1), available at http://portal.hud.gov/hudportal/documents/huddoc?id=AHHS_Report.pdf.

Message

From: Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: 9/26/2017 4:41:28 PM
To: Ward, Thomas [TWard@nahb.org]
CC: Morris, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=55c34872e6ea40cab78be910aec63321-Morris, Jeff]; Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: RE: Lead Paint Renovation Rule--Emergency Provisions

Hi Tom,

This is an OCSPP rule. Jeff Morris is the Director of the Office of Pollution Prevention and Toxics. He should be able to help. He is copied on this email.

Susan

From: Ward, Thomas [mailto:TWard@nahb.org]
Sent: Tuesday, September 26, 2017 10:55 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Lead Paint Renovation Rule--Emergency Provisions

Susan:

NAHB has some questions concerning the emergency renovation provisions of EPA's Renovation, Repair and Painting (RRP) rule in light of Harvey, Irma and now Maria. I am not sure if this is something you can discuss in your current position, or if you can point me to the person who can help us with this.

I hope you are doing well and everything is starting to fall into place.

V/R

Tom Ward

NAHB CELEBRATING 75 YEARS

THOMAS WARD VP, Legal Advocacy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 m: Ex. 6 e: TWard@nahb.org w: nahb.org

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Message

From: HOPPER, SARA ELIZABETH [Sara.E.Hopper@dupont.com]
Sent: 8/9/2017 3:01:42 AM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: Read: [EXTERNAL] ESA/FIFRA Issue
Attachments: Read: [EXTERNAL] ESA/FIFRA Issue

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From: HOPPER, SARA ELIZABETH [Sara.E.Hopper@dupont.com]
Sent: 8/9/2017 3:01:42 AM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: Read: [EXTERNAL] ESA/FIFRA Issue

Your message
To: HOPPER, SARA ELIZABETH
Subject: [EXTERNAL] ESA/FIFRA Issue
Sent: 8/9/2017 12:40:29 AM

was read 8/9/2017
on 3:01:42
AM

Your message

To: HOPPER, SARA ELIZABETH
Subject: [EXTERNAL] ESA/FIFRA Issue
Sent: Tuesday, August 8, 2017 8:40:29 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, August 8, 2017 11:01:42 PM (UTC-05:00) Eastern Time (US & Canada).

Message

From: Scheifele, Hans [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD4C2E03967741C2A8D643869C0681DB-HSCHEIFE]
Sent: 10/20/2017 3:48:27 PM
To: achai@nahb.org
CC: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Mottley, Tanya [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33a000296a364b0dad31fb9aaa34605d-Mottley, Tanya]; Morris, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=55c34872e6ea40cab78be910aec63321-Morris, Jeff]
Subject: Response to NAHB Letter Regarding RRP Emergency Provision
Attachments: NAHB Response 10-20-17.pdf

Amy,

Attached is EPA's response to NAHB's September 28, 2017, letter regarding the EPA's Lead Renovation, Repair, and Painting Rule's "emergency renovation" provision. We are also sending this response via regular mail. We look forward to continuing these discussions and anticipate a constructive meeting this coming Monday.

Sincerely,
Hans

Hans Scheifele
Special Assistant
Office of Pollution Prevention and Toxics
1200 Pennsylvania Ave., NW
Washington, DC 20460
Voice (202) 564-3122

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 2 0 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Amy Chai
National Association of Homebuilders
1201 15th Street NW
Washington, DC 20005

Dear Ms. Chai:

Thank you for your letter of September 28, 2017, addressed to Erik Baptist, EPA's Senior Deputy General Counsel, regarding emergency renovations under the Renovation, Repair and Painting (RRP) Rule. In your letter, you request that EPA provide additional guidance and flexibility concerning emergency renovations performed after the recent hurricanes that caused widespread damage in several states and territories.

We appreciate the opportunity to have met with you and NAHB staff on October 3rd to better understand your concerns. As discussed in the meeting, under the RRP Rule, emergency renovations are those performed in response to situations necessitating immediate action to address safety or public health hazards or threats of significant damage to equipment and/or property. Emergency renovations are exempt from certain rule requirements, such as renovator training and certification, to the extent necessary to respond to the emergency. However, certain requirements still apply, such as cleaning and cleaning verification, to ensure that homes are lead-safe before residents return.

EPA agrees with the importance of appropriate flexibility to allow recovery efforts to adequately address the damage caused by these recent hurricanes. In order to react quickly to the concerns NAHB raised, EPA is considering clarifications to guidance to quickly address these issues. Regulatory changes, even via an expedited process, are unlikely to be put in place quickly enough to aid with current recovery efforts. During the meeting, EPA and NAHB agreed on some specific steps moving forward. First, we agreed that EPA would work with NAHB to consider whether establishing a timeframe for application of the emergency provision would be appropriate. NAHB committed to talking to their members and letting EPA know what timeframe they believed would be appropriate. We look forward to further discussions regarding the timeframe your members deem most appropriate. Additionally, NAHB asked EPA to clarify the recordkeeping requirements for jobs performed under this as part of an emergency, and we are actively working on this. Finally, NAHB requested clarification of when the RRP requirements do not apply when a house is gutted and rebuilt. Per agreement in the meeting, EPA is currently considering how to clarify guidance on these types of renovations.

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As we move forward, my office will work closely with NAHB, as well as other EPA offices and regions, to provide you and your members with the assistance you seek in understanding and complying with the RRP rule requirements during emergency situations. We look forward to continuing these discussions and anticipate a constructive meeting on Monday, October 23, 2017. If you have any questions or would like to discuss this matter further, please contact Brian Frazer, Acting Director of the National Program Chemicals Division, at (202) 566-1652.

Sincerely,

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Message

From: Michael K. Henry [mhenry@alpinegroup.com]
Sent: 8/23/2017 4:05:30 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: [SPAM] Re: meeting request

NP!

On Aug 23, 2017, at 12:03 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Running 5 min behind but should be back at my desk shortly and will dial in.

_____
Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
Beck.Nancy@epa.gov

On Aug 17, 2017, at 9:41 AM, Michael K. Henry <mhenry@alpinegroup.com> wrote:

Noon works for John. Thank you for making time!

Unless something has changed in your end, I will circulate a calendar invite.

Thanks!!

Mike

On Aug 16, 2017, at 5:25 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Mike,
It looks like my only free windows are between 12-1 or 4-5pm on the 23rd.
Any chance either of those work for you?

Nancy

_____
Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: Michael K. Henry [mailto:mhenry@alpinegroup.com]
Sent: Wednesday, August 16, 2017 3:25 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: meeting request

Thanks, Nancy! Sorry for my delayed response - I'm on travel.

Any chance you have time Wednesday, Aug. 23 for a call?

Thanks again!!

Mike

On Aug 13, 2017, at 6:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Happy to find some time.
>
> Regards,
> Nancy
>
> _____
> _____
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> M: Ex. 6
> beck.nancy@epa.gov
>
> ---
>
> **From:** Jackson, Ryan
> **Sent:** Friday, August 11, 2017 4:40 PM
> **To:** Michael K. Henry <mhenry@alpinegroup.com>
> **Cc:** Beck, Nancy <Beck.Nancy@epa.gov>
> **Subject:** Re: meeting request
>
> You really need Nancy beck on this. I'm not going to be that helpful. I've CC'd her on this. She's our DAA for chemicals.
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6
>
> On Aug 11, 2017, at 4:38 PM, Michael K. Henry <mhenry@alpinegroup.com> wrote:
>
>> Just a time that works for us to come by and discuss your and their views on a reasonable regulatory regime for styrene – high level, not a deep dive on the chemistry. Name your window and we will make best efforts to come by then.
>>
>> Thanks, brother!

mike

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Friday, August 11, 2017 4:30 PM
To: Michael K. Henry <mhenry@alpinegroup.com>
Subject: Re: meeting request

I'm out next week and likely traveling with Pruitt thereafter. What can I help with?

_____
Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Aug 11, 2017, at 4:15 PM, Michael K. Henry <mhenry@alpinegroup.com> wrote:

> I am like a bad penny….every Friday! Any chance we can get a meeting on your books??
>
> Thanks!
>
> mike
>
> ---
>
> **From:** Michael K. Henry
> **Sent:** Friday, August 04, 2017 11:19 AM
> **To:** jackson.ryan@epa.gov
> **Subject:** RE: meeting request
>
> Sorry to be a pest – I know you are slammed! Any chance you have some time next week?
>
> Thanks!
>
> mike

From: Michael K. Henry
Sent: Tuesday, July 25, 2017 1:35 PM
To: jackson.ryan@epa.gov
Subject: meeting request

Hey, brother! Sorry to hit you on this, as I am sure you are slammed every day with folks seeking a piece of you!

Any chance you can break off some time during either the week of Aug 7 or 14? The week of the 7th would be best for me, but I don't want to be an obstacle to getting this meeting on the books. The meeting would be with the senior leaders of a client, the American Composites Manufacturers Association (ACMA).

We really would like to chat with you to discuss their issues at a high level. They are always concerned to make sure that there is a reasonable regulatory regime around the use of styrene. Namely, they want to discuss the possibility of avoiding a risk assessment for the composites industry's use of styrene. Currently, the industry uses best practices generated from research and

toxicity assessments via the Styrene Information and Research Center.

We are not looking to circumvent, Brittany nor her team, but hope that we can get a little time with you to discuss the Agency's view of styrene and a regulatory structure. As you think appropriate, it would be great to have her (or whomever you think best) participate.

Do you have time for such a meeting?

Thanks!

mike

Message

From: Michael K. Henry [mhenry@alpinegroup.com]
Sent: 8/16/2017 9:38:31 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: Re: meeting request

Let me check and come back. Thanks!!

On Aug 16, 2017, at 5:25 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Mike,
> It looks like my only free windows are between 12-1 or 4-5pm on the 23rd.
> Any chance either of those work for you?
>
> Nancy
>
> ---
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> M: Ex. 6
> beck.nancy@epa.gov
>
> **From:** Michael K. Henry [mailto:mhenry@alpinegroup.com]
> **Sent:** Wednesday, August 16, 2017 3:25 PM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>
> **Cc:** Jackson, Ryan <jackson.ryan@epa.gov>
> **Subject:** Re: meeting request
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> Thanks again!!
>
> Mike
>
> On Aug 13, 2017, at 6:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:
>
>> Happy to find some time.
>>
>> Regards,
>> Nancy
>>
>> ---
>> Nancy B. Beck, Ph.D., DABT
>> Deputy Assistant Administrator, OCSPP
>> P: 202-564-1273
>> M: Ex. 6
>> beck.nancy@epa.gov

From: Jackson, Ryan
Sent: Friday, August 11, 2017 4:40 PM
To: Michael K. Henry <mhenry@alpinegroup.com>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: Re: meeting request

You really need Nancy beck on this. I'm not going to be that helpful. I've CC'd her on this. She's our DAA for chemicals.

_____
Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

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> Just a time that works for us to come by and discuss your and their views on a reasonable regulatory regime for styrene – high level, not a deep dive on the chemistry. Name your window and we will make best efforts to come by then.
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> **From:** Jackson, Ryan [mailto:jackson.ryan@epa.gov]
> **Sent:** Friday, August 11, 2017 4:30 PM
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> Chief of Staff
> U.S. EPA
> Ex. 6
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> > I am like a bad penny….every Friday! Any chance we can get a meeting on your books??
> >
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> >
> > **From:** Michael K. Henry
> > **Sent:** Friday, August 04, 2017 11:19 AM

To: jackson.ryan@epa.gov
Subject: RE: meeting request

Sorry to be a pest – I know you are slammed! Any chance you have some time next week?

Thanks!

mike

From: Michael K. Henry
Sent: Tuesday, July 25, 2017 1:35 PM
To: jackson.ryan@epa.gov
Subject: meeting request

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We really would like to chat with you to discuss their issues at a high level. They are always concerned to make sure that there is a reasonable regulatory regime around the use of styrene. Namely, they want to discuss the possibility of avoiding a risk assessment for the composites industry's use of styrene. Currently, the industry uses best practices generated from research and toxicity assessments via the Styrene Information and Research Center.

We are not looking to circumvent, Brittany nor her team, but hope that we can get a little time with you to discuss the Agency's view of styrene and a regulatory structure. As you think appropriate, it would be great to have her (or whomever you think best) participate.

Do you have time for such a meeting?

Thanks!

mike

Message

From: DEKLEVA, LYNN ANN [Lynn-Ann.Dekleva-1@dupont.com]
Sent: 8/7/2017 2:56:56 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: Polymer Exemption Technical Contact Request

Nancy,
I am trying to find a contact at the agency to have a technical discussion on the definition of "degradation" for Polymer Exemptions. I tried submitting my question through the normal channels but ended up hitting a dead end. Can you provide a contact?
Thanks for your help.

Regards,
Lynn

Lynn Ann Dekleva, PhD
Product Stewardship & Regulatory Senior Consultant
DuPont
Chestnut Run Plaza 702/2304F
974 Centre Road
Wilmington, DE 19805
Ex. 6 (Cell)

-----Original Message-----
From: DEKLEVA, LYNN ANN
Sent: Wednesday, July 12, 2017 1:28 PM
To: Schutz, David <Schutz.David@epa.gov>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Ross, Adam <ross.adam@epa.gov>; Lee, Doyoung <Lee.Doyoung@epa.gov>; Anapolle, Kent <Anapolle.Kent@epa.gov>
Subject: RE: Form submission from: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA) Reviewing New Chemicals under TSCA Contact Us form

Dave,
I have reviewed the regulation and responses to inquiries regarding degradation. The intent of the biodegradation exclusion for the polymer exemption was for polymers that undergo substantial degradation under normal conditions of use or disposal. In their discussion, the Agency acknowledged that essentially all polymers degrade or decompose to a limited degree over time and gave examples of polymers in landfills and stated that the exclusion was not intended to address such degradation. If the polymer is designed or reasonably anticipated to substantially degrade then they would be excluded from the polymer exemption. Substantial biodegradation in a waste treatment system (readily biodegrability test which simulates a waste water treatment plant) would render a polymer ineligible for the exemption.
The question I have is: to assess the degradability of a polymer for potential polymer exemption, a reasonable assessment would be the Readily biodegradability test? Aerobic composting is not a reasonable assessment of the degradability potential of the materials for the polymer exemption since this method of disposal generally are restricted to yard, food and farm wastes with only a small amount of industrial wastes reported to be composted. The fate of the material in landfills will inform the cradle to grave assessment and potential fate of the material but should not be used to assess the material for polymer exemption.

Regards,
Lynn

Lynn Ann Dekleva, PhD
Product Stewardship & Regulatory Senior Consultant DuPont Chestnut Run Plaza 702/2304F
974 Centre Road
Wilmington, DE 19805
Ex. 6 (Cell)

-----Original Message-----
From: Schutz, David [mailto:Schutz.David@epa.gov]
Sent: Wednesday, July 12, 2017 12:02 PM
To: DEKLEVA, LYNN ANN <Lynn-Ann.Dekleva-1@dupont.com>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Ross, Adam <ross.adam@epa.gov>; Lee, Doyoung <Lee.Doyoung@epa.gov>; Anapolle, Kent <Anapolle.Kent@epa.gov>

Subject: [EXTERNAL] RE: Form submission from: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA) Reviewing New Chemicals under TSCA Contact Us form

Can you let me know a little more about your concerns? We have written some letter responses to inquiries about degradation, and I'd like to see of text from them can be helpful for you. Dave Schutz

-----Original Message-----
From: drupal_admin@epa.gov [mailto:drupal_admin@epa.gov]
Sent: Wednesday, July 12, 2017 11:36 AM
To: Schutz, David <Schutz.David@epa.gov>
Subject: Form submission from: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA) Reviewing New Chemicals under TSCA Contact Us form

Submitted on 07/12/2017 11:35AM
Submitted values are:

Name: Lynn Dekleva
Email: lynn-ann.dekleva-1@dupont.com
Comments:
I would like to have a technical discussion on the definition of degradation for the Polymer Exemption. The guidance document does outline that extensive degradation would make the material ineligible for the polymer exemption.
Can you please provide a contact within the agency with whom I can set up a meeting?
Thanks
Web Area: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA)

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Message

From: HOPPER, SARA ELIZABETH [Sara.E.Hopper@dupont.com]
Sent: 6/23/2017 8:22:13 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Marshall, Venus [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbd81a18f6ad447f90b8abbcb90fe9db-Venus Ashton]; DEKLEVA, LYNN ANN [Lynn-Ann.Dekleva-1@dupont.com]
Subject: RE: meeting re: TSCA Section 5

Thanks very much Nancy and Venus! We have a time on your calendar on July 10th. Venus, I forwarded the invite to my colleague Lynn Dekleva, copied above, so you should get a response from her too. Nancy, Lynn and I thought it might make sense for Jeff Morris to join us, if you agree. Re: specific topics, Lynn should probably weigh in, but at a high level, the need for transparency and more open communication is one area of concern for us, and a tendency towards overly precautionary approaches and actions (vs. the risk-based approach mandated by LCSA) is another. I hope that is helpful. If more background would be helpful, I can work with Lynn to get that to you.

Thanks again to both you and Venus for responding so quickly and helping us to get this set up.

Have a great weekend!

Sara

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Thursday, June 22, 2017 6:21 PM
To: HOPPER, SARA ELIZABETH <Sara.E.Hopper@dupont.com>
Cc: Marshall, Venus <Marshall.Venus@epa.gov>
Subject: [EXTERNAL] RE: meeting re: TSCA Section 5

Hi Sarah,
Next week is pretty crazy but I think we can find 30 min the week of July 10. Venus, can you please help us find a window?

If there is a specific topic within the new chemicals program and you would like some of our leadership team to join me please let me know.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P:
M: Ex. 6
beck.nancy@epa.gov

From: HOPPER, SARA ELIZABETH [mailto:Sara.E.Hopper@dupont.com]
Sent: Thursday, June 22, 2017 4:45 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: meeting re: TSCA Section 5

Hi Nancy. Just left you a voice mail. Would you have time to meet with my colleague, Lynn Dekleva, and me to discuss our recent experiences with the new chemicals program? Lynn will be in town next week and we would have some time Wed. afternoon the 28th. If that doesn't work on your end, could we look at the week of July 10th, or the following week if needed?

Thank you very much!

Sara

Sara Hopper
Manager, Federal Government Affairs
DuPont Government Affairs
601 Pennsylvania Avenue NW
Suite 325, North Building
Washington, DC 20004
Ex. 6 (office)
(mobile)
sara.e.hopper@dupont.com

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Message

From: Spielvogel, Tamra [TSpielvogel@nahb.org]
Sent: 4/5/2018 7:59:14 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Chai, Amy [achai@nahb.org]
Subject: Additional Follow up Information re RRP

Nancy,

First, thank you again for the work you did in helping to finalize the additions to the Q&A. We were able to get the updates out to our members and the clarification it provides is a valuable step forward for them.

NAHB wanted to provide some additional information to you in follow-up to our previous discussion as the ongoing program reviews continue regarding the RRP program. Through several efforts over the years we have collected various cost data related to program implementation. A summary of that data follows bellow and has been shared previously in greater detail with the agency during relevant regulatory comment periods. Please let us know if you have any questions or if we can provide additional material of interest.

Best,
Tamra

Program-wide RRP Costs
When EPA first promulgated the Lead; Renovation, Repair, and Painting (RRP) rule in 2008, it estimated the cost of the rule both with and without the availability of a low-cost, reliable test kit. In 2008, EPA estimated that the RRP Rule would cost approximately $758 million without the availability of a test kit, while costs would decrease by nearly 50% to $407 million should a test kit become available. While EPA believed that such a test kit would be on the market by 2011, one year after the rule's implementation date, no such test kit has surfaced. The significant cost decrease associated with the availability of a test kit results in part because only 24% of all homes built between 1960-1977 contain regulated amounts of lead-based paint. However, because a compliant test kit does not exist, remodelers have no other cost-effective way to test for lead, so instead they assume the presence of lead and use lead-safe work practices on the job, hence charging their customers for work practices that are unnecessary to protect the home owner – but essential to protect the remodeler from enforcement actions.

Remodeler-Specific RRP Costs
Complying with the RRP Rule carries significant costs that vary considerably based on the type of renovation being performed, which makes tracking costs difficult. Back in 2010, approximately 35 NAHB members commented on an EPA proposal and submitted their cost data based on their experiences with the RRP program at that time – while the program was still very much in its early stages. NAHB compiled these anecdotal responses into three categories: initial costs, labor costs, and material costs. Initial costs include training, certification, and equipment purchases – for this group, the average initial cost was $8,261, with a range of $261-$40,000. The average labor cost was $2,006, with a range of $175-6,050; and the average material cost was $497, with a range of $85-$4,000.

Recent RRP Program Training Cost Data
In 2015, EPA began the process of organizing an SBAR panel for an EPA lead-based paint rule that would apply to commercial and public buildings. Two NAHB members, along with an NAHB staff member, were selected as Small Entity Representatives. As part of that process, NAHB, as well as other SBAR participants filed comments concerning EPA's training program costs. In these comments, the SERs estimated that the 8-hour RRP certified renovator training program cost approximately $200-300, while the 4-hour refresher course cost anywhere from $115 to $220. EPA's estimates were significantly lower.

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: [Ex. 6] **e:** TSpielvogel@nahb.org **w:** nahb.org

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Message

From: Spielvogel, Tamra [TSpielvogel@nahb.org]
Sent: 3/22/2018 3:31:18 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Chai, Amy [achai@nahb.org]
Subject: Re: Thank You & Follow-up

Nancy,

Thank you so much for the heads up, I know our members will appreciate the clarification. We look forward to continuing to work with staff on the emergency repairs conversation as opportunity permits and value the productive nature of the conversation as well. NAHB and our industry colleagues appreciate your time and follow-up on this matter.

Best,
Tamra

Sent from my iPad

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 e: TSpielvogel@nahb.org w: nahb.org

On Mar 21, 2018, at 1:53 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Tamra,
> Thanks again for coming in and for the follow-up information as well. Its very helpful for us to hear from stakeholders.
> I wanted to give you heads up that hopefully by Friday (never know with the snow) the updated Q&As regarding emergency response will be posted on our webpage. It was good to hear that staff worked collaboratively with your team on ensuring we were addressing confusion that exists.
> If you should have any follow-up questions, please don't hesitate to contact me.
>
> Regards,
> Nancy
>
> ---
>
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> M: Ex. 6
> beck.nancy@epa.gov
>
> **From:** Spielvogel, Tamra [mailto:TSpielvogel@nahb.org]
> **Sent:** Friday, February 23, 2018 3:07 PM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>
> **Cc:** Chai, Amy <achai@nahb.org>
> **Subject:** Thank You & Follow-up

Dr. Beck,

Thank you for taking the time to meet with us and our colleagues yesterday. We appreciate your time and you attention to our issues raised concerning the RRP program. In follow-up to the discussion we wished to provide you with the information discussed regarding a number of individual items.

- Attached you will find a copy of NAHB's comments submitted in July of 2015 at the start of the public stakeholder engagement on the status of lead-paint test kits. In it, NAHB references the language from the 2008 Preamble regarding the Agency's intended course of action should no test kit meeting the regulatory requirements be brought to market in the expected timeframe - "if the improved test kits are not commercially available by September 2010, EPA will initiate rulemaking to extend the effective date of this final rule for 1 year with respect to owner-occupied target housing built after 1960." (*See the top of page 5 of NAHB's Comments.*) As the Agency never acted on this commitment an economic analysis to reflect the proposed action was never completed and no economic analysis of the regulation reflects the lack of a test kit coming to market in year two of the program as anticipated.
- Also attached, is a copy of NAHB's comments to HUD in response to the request for comments relating to updating the Federal Strategy to Reduce Childhood Lead Exposure submitted in November 2017.
- Finally, attached for your information is a letter received by NAHB from EPA confirming the status of the Agency's commitment of resources to the development of a lead-test kit that meets both performance requirements.

Please let me know if you have any questions about this material. We look forward to continued opportunities to work with you and the staff at OCSPP on the RRP program moving forward. Again, thank you for your time.

Best,
Tamra Spielvogel

<image001.jpg>

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 **e:** tspielvogel@nahb.org **w:** nahb.org

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Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 2/6/2018 4:28:52 PM
To: Spielvogel, Tamra [TSpielvogel@nahb.org]
CC: Chai, Amy [achai@nahb.org]; Bolen, Derrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ffc58b0468c4deca51a8bad735b7d95-Bolen, Derr]; Hanley, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58e0d3d52d424d45ae88e4386ae4f8dd-Hanley, Mary]
Subject: Re: Meeting Request to discuss Lead; Renovation, Repair and Painting Program

Tamra,
I'm looping in Derrick Bolen who can help with scheduling. We should be able to find a 30 minute window.
Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
Beck.Nancy@epa.gov

On Feb 6, 2018, at 11:07 AM, Spielvogel, Tamra <TSpielvogel@nahb.org> wrote:

> Dr. Beck,
>
> Good Morning. I'm reaching out to you on behalf of a small group of industry trade associations that would like an opportunity to meet with you and discuss the current status of the Lead; Renovation, Repair and Painting Program (RRP). As the EPA continues to review the implementation and evaluation of the RRP program along many fronts our groups would like to meet with you and begin a dialogue about the program and its impact on array of industry stakeholders.
>
> Would you have any availability the week of February 12th or the 19th to meet with us?
>
> Thank you for your consideration, I look forward to hearing from you and helping to coordinate this conversation.
>
> Best,
> Tamra Spielvogel

<image0c798c.JPG>

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 e: tspielvogel@nahb.org w: nahb.org

We Build Communities <imageee0a04.JPG> <image77d8d9.JPG> <image9e6831.JPG>

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National Association
of Home Builders

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 2/22/2018 1:05:22 AM
To: Sara Decker [Sara.Decker@walmart.com]
Subject: RE: thank you!

Sara,
My pleasure! I really helps us to hear from all our stakeholders thus I'm very appreciative of those that take the time to come in. Plus, we rarely hear from people that are applauding something we do- so that is clearly a nice change.

This is a silly question, as I've not spoken to her for about 30 years, but is there any chance you have run across Karen Casey at Walmart? We were acquaintances in college and we share a mutual friend. Please send her my regards if you do know her. I believe she is in Arkansas.
And more importantly, Steve Goldberg left me a voice message but unfortunately I must have transcribed the wrong number. If you could pass along his contact information I would be grateful.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: Ex. 6
M:
beck.nancy@epa.gov

From: Sara Decker [mailto:Sara.Decker@walmart.com]
Sent: Wednesday, February 21, 2018 2:38 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: thank you!

Hi Nancy –

Just wanted to send a quick thanks for sitting down with the group last week. If I can ever be helpful to you in your work with Safer Choice or anything else Walmart, please let me know!

S.

Sara Decker
Director, Federal Government Affairs
Walmart ✻ Save money. Live better.
O:
C: Ex. 6
Sara.Decker@walmart.com

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 2/22/2018 12:56:21 AM
To: DEKLEVA, LYNN ANN [Lynn-Ann.Dekleva-1@dupont.com]
CC: Mary Hanley (Hanley.Mary@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58e0d3d52d424d45ae88e4386ae4f8dd-Hanley, Mary]
Subject: RE: Fluorinated Category document

Hi Lynn,
I think that document is still a work in progress but I'm cc'ing Mary who can confirm the answer for both of us. Mary manages to answer all the questions.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: DEKLEVA, LYNN ANN [mailto:Lynn-Ann.Dekleva-1@dupont.com]
Sent: Wednesday, February 21, 2018 2:50 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: Fluorinated Category document

Nancy,
I am trying to track down a copy of the new fluorinated category document that was mentioned in a recent EPA webinar. Do you know if it is available yet and where I can obtain a copy?
Regards,
Lynn

Lynn Ann Dekleva, PhD
Product Stewardship & Regulatory Senior Consultant
DuPont
Chestnut Run Plaza 702/2304F
974 Centre Road
Wilmington, DE 19805
Ex. 6 (Cell)

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Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 3/1/2018 11:59:38 PM
To: Spielvogel, Tamra [TSpielvogel@nahb.org]
CC: Chai, Amy [achai@nahb.org]
Subject: RE: Thank You & Follow-up

Many thanks Tamra.
We will take a look at all this information and surely circle back if there are questions.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: Spielvogel, Tamra [mailto:TSpielvogel@nahb.org]
Sent: Friday, February 23, 2018 3:07 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Chai, Amy <achai@nahb.org>
Subject: Thank You & Follow-up

Dr. Beck,

Thank you for taking the time to meet with us and our colleagues yesterday. We appreciate your time and you attention to our issues raised concerning the RRP program. In follow-up to the discussion we wished to provide you with the information discussed regarding a number of individual items.

- Attached you will find a copy of NAHB's comments submitted in July of 2015 at the start of the public stakeholder engagement on the status of lead-paint test kits. In it, NAHB references the language from the 2008 Preamble regarding the Agency's intended course of action should no test kit meeting the regulatory requirements be brought to market in the expected timeframe - "if the improved test kits are not commercially available by September 2010, EPA will initiate rulemaking to extend the effective date of this final rule for 1 year with respect to owner-occupied target housing built after 1960." (*See the top of page 5 of NAHB's Comments.*) As the Agency never acted on this commitment an economic analysis to reflect the proposed action was never completed and no economic analysis of the regulation reflects the lack of a test kit coming to market in year two of the program as anticipated.
- Also attached, is a copy of NAHB's comments to HUD in response to the request for comments relating to updating the Federal Strategy to Reduce Childhood Lead Exposure submitted in November 2017.
- Finally, attached for your information is a letter received by NAHB from EPA confirming the status of the Agency's commitment of resources to the development of a lead-test kit that meets both performance requirements.

Please let me know if you have any questions about this material. We look forward to continued opportunities to work with you and the staff at OCSPP on the RRP program moving forward. Again, thank you for your time.

Best,
Tamra Spielvogel

TAMRA SPIELVOGEL Senior Program Manager, Environmental Policy

National Association of Home Builders
1201 15th Street, NW | Washington, DC 20005
d: Ex. 6 e: tspielvogel@nahb.org w: nahb.org

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Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 8/17/2017 4:49:06 PM
To: Michael K. Henry [mhenry@alpinegroup.com]
Subject: RE: meeting request

Thanks. 30 minutes at 12pm will work for me on the 23rd.

Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: Michael K. Henry [mailto:mhenry@alpinegroup.com]
Sent: Thursday, August 17, 2017 9:40 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: Re: meeting request

Noon works for John. Thank you for making time!

Unless something has changed in your end, I will circulate a calendar invite.

Thanks!!

Mike

On Aug 16, 2017, at 5:25 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Mike,
> It looks like my only free windows are between 12-1 or 4-5pm on the 23rd.
> Any chance either of those work for you?
>
> Nancy
>
> ---
>
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> M: Ex. 6
> beck.nancy@epa.gov
>
> **From:** Michael K. Henry [mailto:mhenry@alpinegroup.com]
> **Sent:** Wednesday, August 16, 2017 3:25 PM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: meeting request

Thanks, Nancy! Sorry for my delayed response - I'm on travel.

Any chance you have time Wednesday, Aug. 23 for a call?

Thanks again!!

Mike

On Aug 13, 2017, at 6:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Happy to find some time.
>
> Regards,
> Nancy
>
> _____
> Nancy B. Beck, Ph.D., DABT
> Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> M: Ex. 6
> beck.nancy@epa.gov
>
> ---
>
> **From:** Jackson, Ryan
> **Sent:** Friday, August 11, 2017 4:40 PM
> **To:** Michael K. Henry <mhenry@alpinegroup.com>
> **Cc:** Beck, Nancy <Beck.Nancy@epa.gov>
> **Subject:** Re: meeting request
>
> You really need Nancy beck on this. I'm not going to be that helpful. I've CC'd her on this. She's our DAA for chemicals.
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6
>
> On Aug 11, 2017, at 4:38 PM, Michael K. Henry <mhenry@alpinegroup.com> wrote:
>
>> Just a time that works for us to come by and discuss your and their views on a reasonable regulatory regime for styrene – high level, not a deep dive on the chemistry. Name your window and we will make best efforts to come by then.
>>
>> Thanks, brother!
>>
>> mike
>>
>> ---
>>
>> **From:** Jackson, Ryan [mailto:jackson.ryan@epa.gov]
>> **Sent:** Friday, August 11, 2017 4:30 PM

To: Michael K. Henry <mhenry@alpinegroup.com>
Subject: Re: meeting request

I'm out next week and likely traveling with Pruitt thereafter. What can I help with?

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Aug 11, 2017, at 4:15 PM, Michael K. Henry <mhenry@alpinegroup.com> wrote:

> I am like a bad penny….every Friday! Any chance we can get a meeting on your books??
>
> Thanks!
>
> mike
>
> ---
>
> **From:** Michael K. Henry
> **Sent:** Friday, August 04, 2017 11:19 AM
> **To:** jackson.ryan@epa.gov
> **Subject:** RE: meeting request
>
> Sorry to be a pest – I know you are slammed! Any chance you have some time next week?
>
> Thanks!
>
> mike
>
> ---
>
> **From:** Michael K. Henry
> **Sent:** Tuesday, July 25, 2017 1:35 PM
> **To:** jackson.ryan@epa.gov
> **Subject:** meeting request
>
> Hey, brother! Sorry to hit you on this, as I am sure you are slammed every day with folks seeking a piece of you!
>
> Any chance you can break off some time during either the week of Aug 7 or 14? The week of the 7th would be best for me, but I don't want to be an obstacle to getting this meeting on the books. The meeting would be with the senior leaders of a client, the American Composites Manufacturers Association (ACMA).

We really would like to chat with you to discuss their issues at a high level. They are always concerned to make sure that there is a reasonable regulatory regime around the use of styrene. Namely, they want to discuss the possibility of avoiding a risk assessment for the composites industry's use of styrene. Currently, the industry uses best practices generated from research and toxicity assessments via the Styrene Information and Research Center.

We are not looking to circumvent, Brittany nor her team, but hope that we can get a little time with you to discuss the Agency's view of styrene and a regulatory structure. As you think appropriate, it would be great to have her (or whomever you think best) participate.

Do you have time for such a meeting?

Thanks!

mike

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 8/9/2017 4:00:37 AM
To: HOPPER, SARA ELIZABETH [Sara.E.Hopper@dupont.com]
Subject: RE: ESA/FIFRA Issue

Sarah,
Apologies but I had to push this meeting back. if the time doesn't work for you, we can find a different window.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

-----Original Appointment-----
From: HOPPER, SARA ELIZABETH [mailto:Sara.E.Hopper@dupont.com]
Sent: Tuesday, August 8, 2017 11:02 PM
To: Beck, Nancy
Subject: Declined: ESA/FIFRA Issue
When: Friday, August 18, 2017 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: RM 3156 EPA East

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 8/8/2017 1:50:30 PM
To: DEKLEVA, LYNN ANN [Lynn-Ann.Dekleva-1@dupont.com]
Subject: Re: Polymer Exemption Technical Contact Request

Hi Lynn,
Dave Schultz should be the correct contact. We will have him reach out to you to set up a meeting. If this is not productive please let me know.
Regards,
Nancy.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
Beck.Nancy@epa.gov

On Aug 7, 2017, at 7:58 AM, DEKLEVA, LYNN ANN <Lynn-Ann.Dekleva-1@dupont.com> wrote:

> Nancy,
> I am trying to find a contact at the agency to have a technical discussion on the definition of "degradation" for Polymer Exemptions. I tried submitting my question through the normal channels but ended up hitting a dead end. Can you provide a contact?
> Thanks for your help.
>
> Regards,
> Lynn
>
> Lynn Ann Dekleva, PhD
> Product Stewardship & Regulatory Senior Consultant
> DuPont
> Chestnut Run Plaza 702/2304F
> 974 Centre Road
> Wilmington, DE 19805
> Ex. 6 (Cell)

-----Original Message-----
From: DEKLEVA, LYNN ANN
Sent: Wednesday, July 12, 2017 1:28 PM
To: Schutz, David <Schutz.David@epa.gov>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Ross, Adam <ross.adam@epa.gov>; Lee, Doyoung <Lee.Doyoung@epa.gov>; Anapolle, Kent <Anapolle.Kent@epa.gov>
Subject: RE: Form submission from: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA) Reviewing New Chemicals under TSCA Contact Us form

Dave,
I have reviewed the regulation and responses to inquiries regarding degradation. The intent of the biodegradation exclusion for the polymer exemption was for polymers that undergo substantial degradation under normal conditions of use or disposal. In their discussion, the Agency acknowledged that essentially all polymers degrade or decompose to a limited degree over time and gave examples of polymers in landfills and stated that the exclusion was not intended to address such degradation. If the polymer is designed or reasonably anticipated to substantially degrade then they would be excluded from the polymer exemption. Substantial biodegradation in a waste treatment system (readily biodegrability test which simulates a waste water treatment plant) would render a polymer ineligible for the exemption.
The question I have is: to assess the degradability of a polymer for potential polymer exemption, a reasonable assessment would be the Readily biodegradability test? Aerobic composting is not a reasonable assessment of the degradability potential of the materials for the polymer exemption since this method of disposal generally are restricted to yard, food and farm wastes with only a small amount of industrial wastes reported to be composted. The fate of the material in landfills will inform the cradle to grave assessment and potential fate of the material but should not be used to assess the material for polymer exemption.

Regards,
Lynn

Lynn Ann Dekleva, PhD
Product Stewardship & Regulatory Senior Consultant DuPont Chestnut Run Plaza 702/2304F
974 Centre Road
Wilmington, DE 19805
Ex. 6 (Cell)

-----Original Message-----
From: Schutz, David [mailto:Schutz.David@epa.gov]
Sent: Wednesday, July 12, 2017 12:02 PM
To: DEKLEVA, LYNN ANN <Lynn-Ann.Dekleva-1@dupont.com>
Cc: Edelstein, Rebecca <Edelstein.Rebecca@epa.gov>; Ross, Adam <ross.adam@epa.gov>; Lee, Doyoung <Lee.Doyoung@epa.gov>; Anapolle, Kent <Anapolle.Kent@epa.gov>
Subject: [EXTERNAL] RE: Form submission from: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA) Reviewing New Chemicals under TSCA Contact Us form

Can you let me know a little more about your concerns? We have written some letter responses to inquiries about degradation, and I'd like to see of text from them can be helpful for you. Dave Schutz

-----Original Message-----
From: drupal_admin@epa.gov [mailto:drupal_admin@epa.gov]
Sent: Wednesday, July 12, 2017 11:36 AM
To: Schutz, David <Schutz.David@epa.gov>
Subject: Form submission from: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA) Reviewing New Chemicals under TSCA Contact Us form

Submitted on 07/12/2017 11:35AM

Submitted values are:

Name: Lynn Dekleva
Email: lynn-ann.dekleva-1@dupont.com
Comments:
I would like to have a technical discussion on the definition of degradation for the Polymer Exemption. The guidance document does outline that extensive degradation would make the material ineligible for the polymer exemption.
Can you please provide a contact within the agency with whom I can set up a meeting?
Thanks
Web Area: Reviewing New Chemicals under the Toxic Substances Control Act (TSCA)

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Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 7/24/2017 9:50:53 PM
To: HOPPER, SARA ELIZABETH [Sara.E.Hopper@dupont.com]
CC: Marshall, Venus [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbd81a18f6ad447f90b8abbcb90fe9db-Venus Ashton]
Subject: RE: meeting to discuss ESA/FIFRA

Hi Sara,
Lets try for 30 minutes the week of the August 18th.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: HOPPER, SARA ELIZABETH [mailto:Sara.E.Hopper@dupont.com]
Sent: Monday, July 24, 2017 2:04 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Marshall, Venus <Marshall.Venus@epa.gov>
Subject: meeting to discuss ESA/FIFRA

Hi Nancy, I wanted to see if there was a time in August when you and I could discuss the ESA/FIFRA issue. I have some travel early in the month, but around from the 9th through Sept. 1. Happy to look at September too if that works better on your end.

Thanks!

Sara

Sara Hopper
Manager, Federal Government Affairs
DuPont Government Affairs
601 Pennsylvania Avenue NW
Suite 325, North Building
Washington, DC 20004
Ex. 6 (office)
(mobile)
sara.e.hopper@dupont.com

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Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 6/22/2017 10:21:09 PM
To: HOPPER, SARA ELIZABETH [Sara.E.Hopper@dupont.com]
CC: Marshall, Venus [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dbd81a18f6ad447f90b8abbcb90fe9db-Venus Ashton]
Subject: RE: meeting re: TSCA Section 5

Hi Sarah,
Next week is pretty crazy but I think we can find 30 min the week of July 10. Venus, can you please help us find a window?

If there is a specific topic within the new chemicals program and you would like some of our leadership team to join me please let me know.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: HOPPER, SARA ELIZABETH [mailto:Sara.E.Hopper@dupont.com]
Sent: Thursday, June 22, 2017 4:45 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: meeting re: TSCA Section 5

Hi Nancy. Just left you a voice mail. Would you have time to meet with my colleague, Lynn Dekleva, and me to discuss our recent experiences with the new chemicals program? Lynn will be in town next week and we would have some time Wed. afternoon the 28th. If that doesn't work on your end, could we look at the week of July 10th, or the following week if needed?

Thank you very much!

Sara

Sara Hopper
Manager, Federal Government Affairs
DuPont Government Affairs
601 Pennsylvania Avenue NW
Suite 325, North Building
Washington, DC 20004
Ex. 6 (office)
(mobile)
sara.e.hopper@dupont.com

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Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 4/9/2018 6:52:59 PM
To: Spielvogel, Tamra [TSpielvogel@nahb.org]
CC: Chai, Amy [achai@nahb.org]
Subject: RE: Additional Follow up Information re RRP

Thank you Tamra.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: Ex. 6
beck.nancy@epa.gov

From: Spielvogel, Tamra [mailto:TSpielvogel@nahb.org]
Sent: Thursday, April 5, 2018 3:59 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Chai, Amy <achai@nahb.org>
Subject: Additional Follow up Information re RRP

Nancy,

First, thank you again for the work you did in helping to finalize the additions to the Q&A. We were able to get the updates out to our members and the clarification it provides is a valuable step forward for them.

NAHB wanted to provide some additional information to you in follow-up to our previous discussion as the ongoing program reviews continue regarding the RRP program. Through several efforts over the years we have collected various cost data related to program implementation. A summary of that data follows bellow and has been shared previously in greater detail with the agency during relevant regulatory comment periods. Please let us know if you have any questions or if we can provide additional material of interest.

Best,
Tamra

Program-wide RRP Costs

When EPA first promulgated the Lead; Renovation, Repair, and Painting (RRP) rule in 2008, it estimated the cost of the rule both with and without the availability of a low-cost, reliable test kit. In 2008, EPA estimated that the RRP Rule would cost approximately $758 million without the availability of a test kit, while costs would decrease by nearly 50% to $407 million should a test kit become available. While EPA believed that such a test kit would be on the market by 2011, one year after the rule's implementation date, no such test kit has surfaced. The significant cost decrease associated with the availability of a test kit results in part because only 24% of all homes built between 1960-1977 contain regulated amounts of lead-based paint. However, because a compliant test kit does not exist, remodelers have no other cost-effective way to test for lead, so instead they assume the presence of lead and use lead-safe work practices on the job, hence charging their customers for work practices

that are unnecessary to protect the home owner – but essential to protect the remodeler from enforcement actions.

Remodeler-Specific RRP Costs

Complying with the RRP Rule carries significant costs that vary considerably based on the type of renovation being performed, which makes tracking costs difficult. Back in 2010, approximately 35 NAHB members commented on an EPA proposal and submitted their cost data based on their experiences with the RRP program at that time – while the program was still very much in its early stages. NAHB compiled these anecdotal responses into three categories: initial costs, labor costs, and material costs. Initial costs include training, certification, and equipment purchases – for this group, the average initial cost was $8,261, with a range of $261-$40,000. The average labor cost was $2,006, with a range of $175-6,050; and the average material cost was $497, with a range of $85-$4,000.

Recent RRP Program Training Cost Data

In 2015, EPA began the process of organizing an SBAR panel for an EPA lead-based paint rule that would apply to commercial and public buildings. Two NAHB members, along with an NAHB staff member, were selected as Small Entity Representatives. As part of that process, NAHB, as well as other SBAR participants filed comments concerning EPA's training program costs. In these comments, the SERs estimated that the 8-hour RRP certified renovator training program cost approximately $200-300, while the 4-hour refresher course cost anywhere from $115 to $220. EPA's estimates were significantly lower.

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