

## **U.S. EPA: OPPT Meeting – Regulatory Reform Opportunities involving TSCA – Lead Exposure Reduction Rules**

**Remarks from J. Brent Kynoch**

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Good afternoon. My name is Brent Kynoch and I serve as the Managing Director of the Environmental Information Association or EIA. Our association is a non-profit membership organization comprised of professionals involved with or concerned about environmental issues in buildings.

To begin, let me be clear that the lead regulations that have been enacted by EPA under the authority of TSCA have, indeed, been effective. The incidences of childhood lead blood poisoning are down. That was the ultimate purpose of the regulations and studies show that it is working. It does not mean, however, that we should eliminate the regulations. In fact, this points to the need for the regulations. They are meeting their intended purpose.

Much like asbestos, the lead regulations under TSCA established training and certifications programs for all classes of professionals involved in the lead abatement industry. This effort has raised the level of professionalism in the industry, it assures those persons procuring services that there is a minimum competency, and, theoretically, it keeps the bad guys out of the lead abatement business. This is a good thing.

Another big part of the lead regulations is the disclosure portion of the rules. Who can argue that disclosure regarding known or probable lead pain and lead hazards is a bad thing, No one! Disclosure and transparency is ALWAYS a good practice when it comes to environmental hazards.

Now to the RRP Rule. In my opinion, this is one of the most brilliant regulatory efforts I have ever seen come out of EPA. Through this regulation, EPA found a minimally burdensome (that addresses the “burdensome” question) method of getting at the source of the most common routes of lead exposure . . . controlling lead dust from renovations, repairs and painting in residences. How much easier can it get? Send one person from a company to a one-day training course. Give this person the authority and responsibility to train others in the company on lead-safe work practices. Test paint in the field with a field test kit, not a laboratory test, prior to disturbing it. And, keep records of testing and compliance. Wow! Easy and not burdensome. In fact, our members tell us that the advent of RRP means there are fewer “lead abatement” projects. Most efforts now call for lead-safe work practices rather than abatement.

Question 1 – Should these regulations be repealed or modified? NO! The regulations serve a valid purpose and are accomplishing their objectives.

Question 2 – Are there opportunities for streamline reporting and recordkeeping? Currently the reporting and recordkeeping requirements are minimal. In my opinion a web-based system of “self-

EIA's  
multidisciplinary  
membership  
collects,  
generates and  
disseminates  
information on  
environmental  
health hazards  
to occupants of  
buildings,  
industrial sites  
and other facility  
operations.





reporting” would ease the paperwork burden on contractors and would go a long way toward better enforcement and additional compliance.

Question 3 – Are there opportunities for improvement? Of course there are. Always. In my opinion, EPA should not be in the enforcement business of these regulations. EPA should push enforcement to the state, county or city level where regulatory officials know the contractors, the service providers, and know what is happening in the area. EPA’s best use of resources would be to educate, encourage and kick the tails of the local officials to allow them to better their own communities and to protect the health of themselves and their neighbors.

Question 4 – Are there any provisions of the regulations that are no longer necessary? None that I can think of.

Thank you.