



BUILDING A FRAMEWORK FOR HEALTHY HOUSING

Delegation of Authority for RRP What are the Considerations?

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Oregon Lead Poisoning Prevention Programs

Reasons to Seek Authorization

- Local control - better acceptance
 - Local enforcement
 - Local help
 - Local fees
- Tailor rules to local needs – more protective
- Infrastructure in place if authorized for 402/404
- Local program – more efficient/effective



What are the major considerations?

- Will there be a mechanism for tracking trained “renovators”?
- Do you have/need statutory authority?
- Who are the effected stakeholders?
- What are their concerns?
- What resources are needed?



Will there be a mechanism for tracking trained “renovators”?

- Only “Training Providers” will be accredited and “Firms” certified by authorized states/tribes
- Mechanism needed to:
 - Verify trained “renovator” is employed by firm for certification
 - Update list of trained “renovators” on a regular basis
 - Notify authorized state/tribe if “renovator” leaves firm



Do you have/need statutory authority?

- Are you an authorized state under 402/404?
- Is statutory authority implicit or explicit?
- Is accreditation/certification/enforcement authority with or through a single agency?
- NCSL will be working w/EPA to develop model statute elements



Authorized Programs

Alabama
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Georgia
Hawaii
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Nebraska
New Hampshire
New Jersey
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin

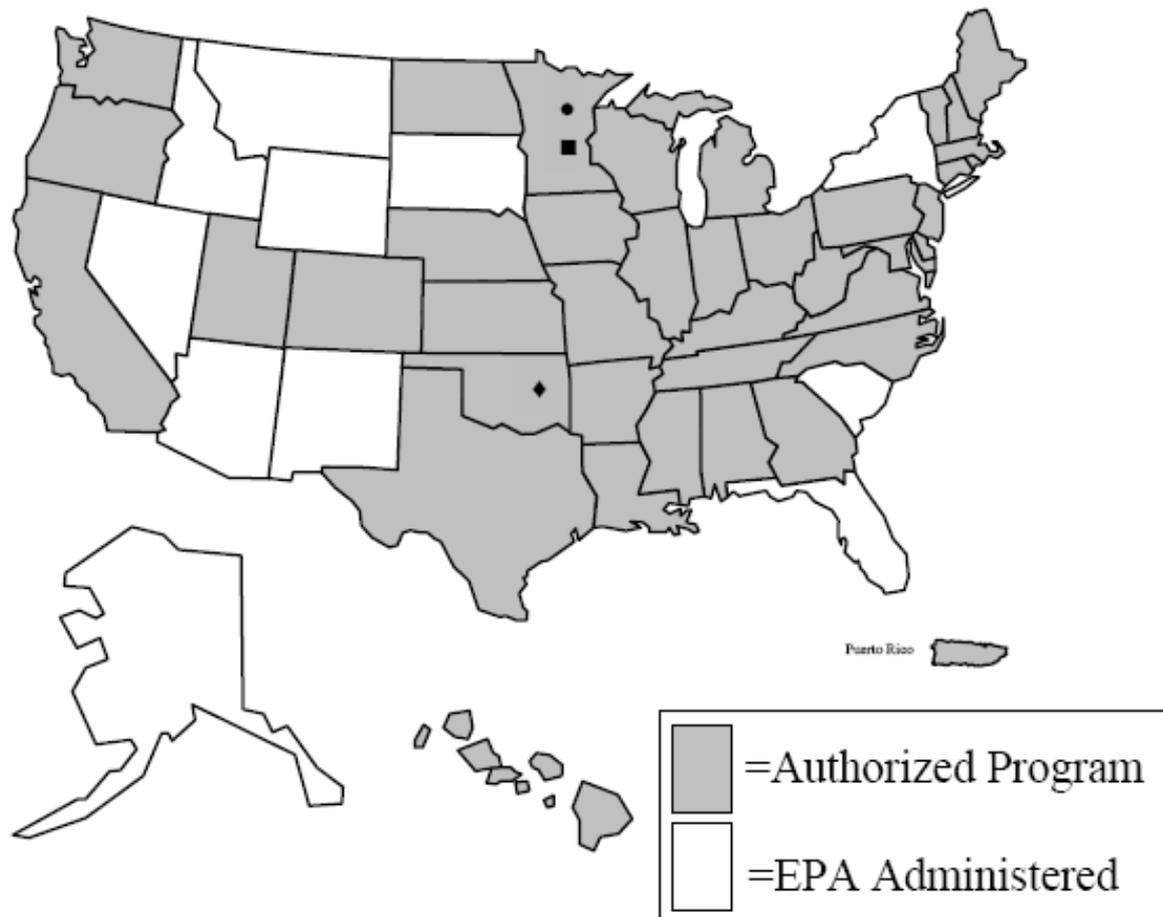
Authorized Tribal (3) Programs

- ◆ Cherokee Nation
- Lower Sioux
- Upper Sioux

44 authorized programs comprised of 39 States, 3 Tribes, Puerto Rico, and D.C.

Status of EPA Lead Programs

Contact the National Lead Information Center (NLIC) at 1-800-424-LEAD for state/tribal program contact information.



Statutory Authority (Oregon example)

- Statutory authority is explicit
- Current statute references – 40 CFR 745.223
“Lead-based paint activities”
- Adding reference to – 40 CFR 745.83
“Renovation”
- Current accreditation/certification – Public Health
Licensing/enforcement – Const. Cont. Board
- Statutory change to consolidate all authority with
Public Health



Who are the effected stakeholders?

- Currently – limited number of firms/individuals involved in abatement-related activities
- OR Potentially 10,000 contractors
 - 4,000 maintenance staff
 - 1,000 schools
- Oregon represents approx. 1% of national total (1.5 million firms nationally may be effected)



What are their concerns?

- Do I have to do this?
 - Either state or EPA – most prefer local
- Don't add to regulatory burden? (OR)
 - Consolidating authority (enforcement/certification)
 - Eliminate additional fee
 - Develop on-line certification options
- Local help and enforcement



What resources are needed?

- State infrastructure/support
 - Comprehensive lead program: surveillance/case management/prevention certification/enforcement
 - State funding
- Fee structure – ex. (EPA proposed fees)
- EPA grants – (\$75K) - rule development



Reciprocity Considerations

- Reciprocity for “renovators” is implied by the rule
- Reciprocity could be granted to “training providers”
- “Firms” would need to be certified by each state they work in



Summary of Considerations

- What authority do you have/need?
- Who are your stakeholders and where do they stand?
- Do you have the experience/infrastructure?
- Can you get the necessary resources?
- Is it feasible to administer the program?



Lead-Based Paint Renovation, Repair, and Painting

State and Tribal Program
Authorization
September 2008



State and Tribal Program Authorization

- Purpose/Benefits of State & Tribal Program Authorization
 - Better designed programs
 - More tailored programs
 - Better targeted programs
 - Better accepted programs
 - Better enforced programs
 - **More effective programs**

State and Tribal Program Authorization

- States, tribes and territories may apply for program authorization 60 days after final rule. (June 23, 2008)
- Not required to have an authorized abatement program in order to seek renovation authorization.
- Not required to seek renovation authorization to retain an existing abatement program authorization.
- EPA will begin implementation of a federal program in all non-authorized states, territories and tribal areas in April 2009.

State and Tribal Program Authorization

- States and tribes may
 - Begin developing programs now
 - Apply now
- Programs must be “as protective as” EPA requirements, when viewed as a whole, and have “adequate enforcement”
- Reciprocity will be encouraged

State and Tribal Program Authorization

- Application Process
 - Public Notice
 - Application Contents
 - Application Submission
 - Agency Review
 - Within 60 days, EPA will provide opportunity for public hearing and public comment
 - Within 180 days, EPA will authorize or disapprove



State and Tribal Program Authorization

- Components of an Application
 - Cover Sheet
 - Program Summary
 - Governor's Letter
 - Attorney General's Statement
 - Program Description
 - Copies of all statutes, regulations, standards, etc.

State and Tribal Program Authorization

- Required Program Elements
 - Pre-renovation education
 - Lead hazard information must be distributed to owners and occupants of target housing and child-occupied facilities before renovations for compensation
 - Renovation, Repair, and Painting
 - Accreditation of renovation and dust sampling technician training programs.
 - Certification of renovators, dust sampling technicians, and firms.
 - Renovations be conducted by certified individuals and/or firms.
 - Work practice standards

State and Tribal Program Authorization

- Enforcement & Compliance Program Description
 - Adequate Standards, Regulation, and Authority
 - Performance Component
 - Summary on Progress and Performance
 - Interim & Final Approval



State and Tribal Program Authorization

- Self-Certification
 - State may certify that program is at least “as protective as” EPA requirement and provides for “adequate enforcement”
 - Certification must be in the form of a letter from Governor/Attorney General to EPA Administrator
 - Must reference program analysis

State and Tribal Program Authorization

- Self-Certification
 - EPA will review application and request program changes where necessary
 - Within 60 days, EPA will provide an opportunity for public hearing and comment
 - However, if State self-certifies, program will be deemed authorized until disapproved or withdrawn by EPA

State and Tribal Program Authorization

- To assist, EPA is developing:
 - Authorization package, including instructions and illustrative forms
 - Sample model legislation
 - Fee structure, for use by EPA and as models for States
 - Technical assistance availability
 - Grants

State and Tribal Program Authorization

- Input from States
 - Review Panel for Training
 - Outreach



Thank You for Your Time!

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www.epa.gov/lead