

Lead: Renovation, Repair and Painting Rule (EPA-HQ-OPPT-2005-0049)

1. **TRAINING:** The National Multi Housing Council/National Apartment Association support the requirement for worker training however we do not believe that it is necessary for apartment maintenance technicians to be re-trained every 3 years. Under the HUD rule for repairs/renovation on properties receiving federal assistance (Sec. 1012/1013 of Title X), workers receive one-day of HUD-approved training on lead-safe work practices; there is no requirement for additional training. This rule has been in effect since 1999 and experience on these properties has not demonstrated that these workers require additional training. Refresher training should not be required unless new lead-safe work practices are developed; they have not change since the publication of the HUD Guidelines in 1994. Training should be performance based; training providers should be periodically audited by EPA (as they are under EPA's abatement rule, for example) to ensure that the appropriate information is being conveyed.
2. **VERIFICATION:** Data show that trained workers on pre-1950 constructed apartment properties can engage in activities across the spectrum of paint disturbance from painting to replacing window and door assemblies without leaving behind lead hazards as determined by laboratory analysis of dust-wipe samples collected by state-certified inspectors. The data support the notion that workers trained in lead-safe work practices can leave a worksite visually clean and free of lead dust hazards.

The Swiffer dust test that has been proposed as a verification method is highly subjective and of questionable accuracy. As proposed, the methodology would be impractical specifically with the surface area requirements for sampling on window sills and bathroom floors. Moreover, we believe that establishing the Swiffer test as a reliable determinant of lead safety may cause the emphasis of lead-safe work practices to shift away from the proven methods of quality assurance achieved by thorough site preparation and cleaning

3. **NOTIFICATION:** Each time a repair likely to disturb a lead-coated surface is undertaken in target properties, the owner/manager is required to furnish notification to the residents under Sec. 402(b) of Title X. We are proposing that the intention of this provision (resident awareness) can be served through an annual notification of apartment residents rather than per occurrence.

Since 1996, residents of target properties that have not been certified as lead-free by state-certified inspectors have been required to receive at time of lease signing the EPA prepared pamphlet, *Protect Your Family* as well as any information the owner/manager has about the presence of lead on the property. This information is conveyed via a special addendum to the lease document and is the subject of rigorous record keeping requirements. Residents must be supplied with this information anew every time a repair activity is likely to disturb a lead-coated surface in their apartment or a common area that serves it. Written records including signatures from the recipients of the material are all required to be kept by the property owner for 3 years and pose a significant record keeping burden.

We are proposing that EPA permit apartment property owners/managers to annually provide a written notification to property residents that remind them that LBP exists on the premises and that any disturbance of these areas will be safely performed by trained workers. EPA has no data to support that the "per occurrence" notification for ongoing maintenance on multifamily properties is a more effective informational tool than an annual notification would be. Moreover, NMHC/NAA members have received negative reactions to the repeated instances of pamphlet and notification distribution as repairs proceed through target properties.

4. **FIRM CERTIFICATION:** Based on our experience in safely maintaining target properties under HUD's Lead Safe Housing rule, NMHC/NAA do not believe that it is necessary for property owner/management firms to be certified under this rule.

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