



Office of Advocacy

September 23, 1999

Thomas E. Kelly (MC-2131)
Small Business Advocacy Chair
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Subject: Lead-based Paint Activities, Training and Certification for Renovation and Remodeling; Small Entity Representative Recommendations

Dear Mr. Kelly:

I received your letter on September 8, 1999 regarding **Lead-based Paint Activities, Training and Certification for Renovation and Remodeling**, notifying us of the possibility of convening a Small Business Advocacy Review Panel under §609(b) of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

Having examined the list of "confirmed" small business representatives received on September 15th, we have added several additional parties to the list at this time. We agree to the EPA list and have added several trade association representatives who were actively involved in representing their small business members in the phase I proposal for this rulemaking. We have also included one small business owner, Kevin Nolan from the original September 8 list, who is not among the "confirmed" list of names.

Next Steps

We understand that the agency plans to re-evaluate whether the proposal would have a significant impact on a substantial number of small entities. If the agency finds no such impact, a Panel would not be required under SBREFA. If a Panel were convened, a final Panel report would be prepared.

If a panel is warranted, we ask that EPA provide, in advance of the convening of the Panel, supporting materials and possibly a draft regulatory analysis and/or draft rule (see RFA §609(b)(4)), in order to allow sufficient review time by Panel members. We strongly recommend that the agency hold several prepanel meetings in accordance with the most current EPA SBREFA guidance to assure that adequate and timely information and data is provided to the small entity representatives and the panel representatives.

Sincerely,

Jere W. Glover
Chief Counsel for Advocacy

cc: Art Fraas, OMB

- I. **Additional Small Entity Representatives**
- II. **September 23, 1999**

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Kevin Nolan (included already in EPA's formal notification, but not "confirmed")

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