

## ***Advocacy Recommends that EPA Reconsider the Opt-Out Provision for Lead Renovation and Repair Rule***

On November 27, 2009, the U.S. Small Business Administration's (SBA) Office of Advocacy (Advocacy) submitted comments to the Environmental Protection Agency (EPA) regarding the rulemaking entitled "Amendment to the Opt-out and Recordkeeping Provisions of the Lead Renovation, Repair and Painting Program (LRRP); 74 Fed. Reg. 55506 (October 28, 2009). Advocacy recommended that EPA convene a SBREFA panel and reconsider the proposed revision to eliminate the "opt-out" provision in the LRRP rule. This would preserve the benefits of the existing April 2008 LRRP rule to eliminate lead dust hazards that may result from renovation activities.

A complete copy of Advocacy's letter to EPA is available at: [www.sba.gov/advo/laws/comments/](http://www.sba.gov/advo/laws/comments/).

- The proposed rule would eliminate the current opt-out for renovation jobs where no children under six years old or pregnant women reside. This proposal does not take into account the negative effect on small businesses and affordable housing.
- The proposed change would almost double the cost of the current rule, without any serious examination of whether there will be additional benefits due to the expansion of this regulation. EPA's proposal would impede low-income residents from improving their residences by imposing unnecessarily costly requirements.
- Advocacy advised EPA that it could alter this proposed rule and preserve substantially all of the environmental benefits in a variety of ways, including retaining the existing rule, or limiting the new rule to providing notification to the owners and providing a checklist for lead-safe practices for the renovator to complete, or EPA could prohibit the several lead dust generating practices that are prohibited or restricted in the current LRRP rulemaking.
- Advocacy further advised that EPA should convene a panel under the Small Business Regulatory Flexibility Act (SBREFA) to allow small businesses to provide informed advice to EPA on this proposal and future proposed amendments to the LRRP rule.

For more information about EPA's proposed rule, please visit Advocacy's Web page at [www.sba.gov/advo](http://www.sba.gov/advo) or contact Kevin Bromberg, Assistant Chief Counsel, at (202) 205-6964 (or [kevin.bromberg@sba.gov](mailto:kevin.bromberg@sba.gov)).