



For Immediate Release: April 23, 2010
Contact:
Jeremy Stine, (202) 367-2359

NLBMDA Criticizes Removal of "Opt-Out" Provision in the EPA Lead Rule

(Washington, D.C.) - The Environmental Protection Agency (EPA) today announced it is eliminating the "opt out" provision in the 2008 Lead Renovation, Repair and Painting (RRP) Rule. By removing the opt out provision, renovation firms will no longer be exempted from the training and work safe practice requirements of the RRP rule by obtaining certification from the owner of a pre-1978 residence that no child age 6 or younger or pregnant woman resides in the home. This change becomes effective 60 days after EPA publishes the rule. EPA also announced its intention to begin the rulemaking process to extend the RRP rule to commercial buildings.

"While NLBMDA has always supported efforts to protect pregnant women and children from lead poisoning, EPA's removal of the opt-out provision is extremely misguided as they have provided no adequate data, nor have they demonstrated any benefits or other rationale for expanding the scope of the rule which will add nearly 40 million homes to the 38 million already covered by the rule," said NLBMDA President Michael O'Brien. "The agency's disregard for the incredible burden this will place on small businesses and homeowners continues despite the inadequate number of EPA certified trainers, firms, renovators, accurate test kits, and the general lack of awareness within industry and among consumers."

In addition to the opt out provision being removed EPA has issued two additional notices regarding the RRP rule. The first is a Notice of Proposed Rulemaking (NPRM) to strengthen the 2008 RRP rule in housing and child-occupied facilities by expanding post-renovation requirements. The second notice is an Advance Notice of Proposed Rulemaking to announce EPA's intention to regulate renovations on the exteriors of public and commercial buildings. The EPA announcement goes on to say if EPA determines that lead-based paint hazards are created by interior renovations, EPA will propose regulations to address the hazards.

Please [click here to view the full EPA Press Announcement.](#)

The National Lumber and Building Material Dealers Association (NLBMDA) represents its members in the national public policy arena, with emphasis on efforts to 1) promote the industry and educate legislators and public policy personnel; and 2) assist legislative, regulatory, standard-setting and other government or private bodies in the development of laws, regulations and policies affecting lumber and building material dealers, its customers and suppliers. Founded in 1917, the association has over 6,000 members operating single or multiple lumber yards and component plants serving homebuilders, subcontractors, general contractors, and consumers in the new construction, repair and remodeling of residential and light commercial

###