

110TH CONGRESS
2D SESSION

S. 3513

To direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2008

Mrs. CLINTON (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Renovation Rule Im-

5 provement Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) FINAL RULE.—The term “final rule” means
5 the final rule promulgated by the Administrator en-
6 titled “Lead; Renovation, Repair, and Painting Pro-
7 gram” (73 Fed. Reg. 21692 (April 22, 2008)).

8 (3) INDEPENDENT CLEARANCE.—The term
9 “independent clearance” means clearance of a ren-
10 ovation performed by a certified assessor or certified
11 sampling technician who was not an individual per-
12 forming the renovation.

13 **SEC. 3. RENOVATION AND REMODELING REGULATIONS.**

14 Not later than 90 days after the date of enactment
15 of this Act, the Administrator shall update the final rule
16 to include requirements that—

17 (1) independent clearance shall be performed by
18 a certified risk assessor or certified sampling techni-
19 cian to ensure compliance with lead hazard stand-
20 ards relating to lead, lead dust, and lead-based paint
21 in effect as of the date of enactment of this Act,
22 such that—

23 (A) ongoing, periodic random sampling
24 shall be permitted so long as a sufficient num-
25 ber of samples are selected to provide a 95-per-

1 cent level of confidence that none of the renova-
2 tions completed by a certified renovation firm
3 would result in levels that exceed the standards,
4 as determined by the Administrator; and

5 (B) if random sampling indicates that a
6 group of particular renovations results in a level
7 that exceeds the standards, until such time as
8 the Administrator determines that the renova-
9 tions of the individual or entity achieve the level
10 of confidence described in subparagraph (A),
11 the individual or entity that completed the ren-
12 ovations shall be responsible for providing for
13 independent clearance of—

14 (i) each subsequent renovation com-
15 pleted by the individual or entity; and

16 (ii) each unit renovated during the pe-
17 riod beginning on the date of the most re-
18 cent clear inspection and ending on the
19 date of failure of clearance, including offer-
20 ing to perform recleaning on any unit that
21 exceeds standards;

22 (2) a written renovation completion report shall
23 be provided to both owners and occupants of a cov-
24 ered property describing all the actions that were
25 performed to reduce lead hazards during the work

1 and the results of all tests performed as part of ef-
 2 forts to ensure compliance with the final rule and
 3 other applicable regulations;

4 (3) work practices used shall be at least as pro-
 5 tective as those of the Department of Housing and
 6 Urban Development described in 35.1350 of title 24,
 7 Code of Federal Regulations (or successor regula-
 8 tions); and

9 (4) an individual who has completed a lead-
 10 based paint training and certification program shall
 11 be present at all times that work is undertaken at
 12 a work site.

13 **SEC. 4. TRAINING OPPORTUNITIES.**

14 (a) GRANT PROGRAM TO EXPAND TRAINING OPPOR-
 15 TUNITIES.—

16 (1) ESTABLISHMENT.—The Administrator shall
 17 establish a grant program to expand training oppor-
 18 tunities relating to lead-based paint that are avail-
 19 able at the State and tribal level.

20 (2) USE OF FUNDS.—Funds provided through
 21 grants under the program established under para-
 22 graph (1)—

23 (A) shall be used by a recipient to provide
 24 no-cost, culturally and linguistically appropriate
 25 lead-based paint training and certification op-

1 portunities for low-income workers, in order to
2 ensure the presence, at all times that work is
3 undertaken at a work site, of an individual who
4 has completed a lead-based paint training and
5 certification program; and

6 (B) may be used by a recipient—

7 (i) to expand new and supplemental
8 training opportunities, giving priority to
9 those opportunities established and carried
10 out in partnership with nongovernmental
11 organizations, to increase the number of
12 individuals who have completed lead-based
13 paint training and certification programs
14 that are in compliance with updates to the
15 final rule required under section 3;

16 (ii) to maintain, improve, or develop
17 infrastructure and oversight to ensure
18 that—

19 (I) individuals engaged in renova-
20 tion activities are properly trained;

21 (II) lead-based paint training
22 programs are accredited;

23 (III) contractors and firms en-
24 gaged in renovation activities are cer-
25 tified; and

1 (IV) renovation activities are car-
2 ried out in accordance with the final
3 rule (including updates to that final
4 rule required under section 3) and
5 other applicable regulations;

6 (iii) to provide for training of enforce-
7 ment inspectors and compliance and lead
8 dust sampling techniques;

9 (iv) to implement lead-based paint
10 compliance assistance programs; and

11 (v) to engage in education and out-
12 reach activities regarding the final rule.

13 (3) TREATMENT OF FUNDS.—The program es-
14 tablished under paragraph (1), and funds provided
15 through grants under that program, shall supple-
16 ment, and not supplant, lead-based paint training
17 programs and grants available as of the date of en-
18 actment of this Act.

19 (4) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this subsection \$7,000,000 for the period of fiscal
22 years 2009 through 2012.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator, in collabora-
25 tion with the Secretary of Housing and Urban Develop-

1 ment, shall prepare, publish, and submit to the appro-
2 priate committees of Congress a report that—

3 (1) analyzes the impact of the final rule on pre-
4 venting lead poisoning;

5 (2) analyzes training opportunities for contrac-
6 tors and renovators; and

7 (3) makes recommendations for expansion and
8 coordination of that training in a manner that, to
9 the maximum extent practicable—

10 (A) maximizes coordination between the
11 Department of Housing and Urban Develop-
12 ment and the Environmental Protection Agency
13 to ensure standard training and curriculum de-
14 velopment;

15 (B) ensures that contractors, renovators,
16 owners, occupants, and State, tribal, and local
17 governments are aware of training and certifi-
18 cation activities provided through the Depart-
19 ment of Housing and Urban Development and
20 the Environmental Protection Agency;

21 (C) expands the number of individuals who
22 have completed lead-based paint training and
23 certification programs so as to ensure that such
24 an individual is available to be present at a

1 work site at all times that work is undertaken
2 during renovations; and

3 (D) expands the number of individuals who
4 have completed sampling technician training.

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