

Dated: July 25, 1995.

**Joseph Retzer,**

*Regulatory Information Division.*

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[FRL-5268-5]

**Environmental Laboratory Advisory Board; Establishment**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Establishment of Advisory Committee.

**SUMMARY:** As required by Section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App., EPA is giving notice of the establishment of an advisory committee. This committee will provide recommendations and comments on the process and procedures to develop and operate a national environmental laboratory accreditation program, and will be known as the "Environmental Laboratory Advisory Board" (ELAB). EPA has determined that the establishment of this advisory committee is in the public interest and will assist the Agency in performing its duties under its various statutes. Copies of the Committee's charter will be filed with the appropriate committees of Congress and the Library of Congress in accordance with section 9(c) of FACA.

The membership of the ELAB has not yet been appointed by the Administrator. Consistent with the objectives of the National Environmental Laboratory Accreditation Conference and the requirements of FACA, the membership of the ELAB will be balanced among the Agency's various outside stakeholder interests. The first meeting of the ELAB will be announced separately in a **Federal Register** notice.

**FOR FURTHER INFORMATION:** Please contact Jeanne Hankins Mourrain, National Exposure Research Laboratory, (MD-77B), Research Triangle Park, NC 27711; telephone 919/541-1120; FAX 919/541-7953.

Dated: July 6, 1995.

**E. Ramona Trovato,**

*Director, Office of Radon and Indoor Air.*

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[OPPTS-62149; FRL-4966-6]

**Lead Hazard Information Pamphlet; Notice of Availability**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of the joint EPA and Consumer Product Safety Commission (CPSC) final Lead Hazard Information Pamphlet entitled "Protect Your Family From Lead In Your Home" (formerly entitled: "Lead-Based Paint: Protect Your Family") for public distribution. EPA developed this Pamphlet in response to Congressional concerns about the public's knowledge of lead-based paint hazards in the home. The Pamphlet was developed pursuant to section 406(a) of the Toxic Substances Control Act (TSCA), after consultation with the Centers for Disease Control and Prevention (CDC), the Department of Housing and Urban Development (HUD), and CPSC. After extensive product testing and public review, EPA, in consultation with cooperating Federal agencies, has developed a final draft and is beginning efforts to distribute the pamphlet to the general public.

**DATES:** Copies of the Lead Hazard Information Pamphlet will be available August 1995.

**ADDRESSES:** Single copies of the pamphlet may be obtained by calling the National Lead Information Clearinghouse (NLIC) at 1-800-424-LEAD or TDD: 1-800-526-5456, or the EPA Public Information Center at (202) 260-2080.

Multiple copies are available through the Government Printing Office (GPO). The public may order by calling the GPO Order Desk at (202) 512-1800, faxing (202) 512-2233, or writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Request the publication by title, "Protect Your Family From Lead In Your Home," and/or GPO stock number 055-000-00507-9. The price is \$26.00 per pack of 50 copies. The Pamphlet may be reproduced by an individual or corporation without permission from EPA or CPSC.

Organizations that wish to reprint may obtain negatives and/or black and white reproducible copy from NLIC at 1-800-424-LEAD. The pamphlet is available electronically, and may be accessed through the Internet at: [gopher.epa.gov](http://gopher.epa.gov).

**FOR FURTHER INFORMATION CONTACT:** For general information on lead poisoning prevention, call the National Lead Hotline at 1-800-LEAD-FYI or TDD: 1-800-526-5456, or the TSCA Hotline at (202) 554-1404 or TDD: (202) 554-0551. For specific questions on lead hazard information, call the National Lead Information Clearinghouse, 1-800-424-

LEAD or TDD: 1-800-526-5456. For technical information contact: Paula Moser, Environmental Protection Agency, Office of Pollution Prevention and Toxics, (7404), 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-1865, Fax: (202) 260-0770, or Ken Giles, Consumer Product Safety Commission, Office of Public Affairs, 4330 East-West Highway, Bethesda, MD 20814, Telephone (301) 504-0580, Fax: (301) 504-0862.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under the Congressional mandate in section 406(a) of TSCA, EPA has developed a final lead hazard information pamphlet. Congress specifically required that the pamphlet: (1) Contain information regarding the health risks associated with exposure to lead; (2) provide information on the presence of lead-based paint hazards in Federally-assisted, Federally-owned, and target housing; (3) describe the risks of lead exposure for children under 6 years of age, pregnant women, women of childbearing age, persons involved in home renovation (of target housing), and others residing in a dwelling with lead-based paint hazards; (4) describe the risks of renovation in a dwelling with lead-based paint hazards; (5) provide information on approved methods for evaluating and reducing lead-based paint hazards and their effectiveness in identifying, reducing, eliminating, or preventing exposure to lead-based paint hazards; (6) advise persons how to obtain a list of contractors certified pursuant to TSCA section 402 in lead-based paint hazard evaluation and reduction in the area in which the pamphlet is to be used; (7) state that a risk assessment or inspection for lead-based paint is recommended prior to the purchase, lease, or renovation of target housing; (8) state that certain State and local laws impose additional requirements related to lead-based paint in housing and provide a listing of Federal, State, and local agencies in each State, including address and telephone number, that can provide information about applicable laws and available governmental and private assistance and financing; and (9) provide such other information about environmental hazards associated with residential real property as the Administrator deems appropriate.

EPA and HUD will distribute this pamphlet under several Congressional directives that will be implemented in separate rulemaking initiatives. Section 406(b) of TSCA requires that EPA promulgate regulations requiring each

person who performs a renovation of target housing for compensation to provide a lead hazard information pamphlet to the owner(s) and occupant(s) of such housing prior to commencing the renovation.

Section 1012 of the Residential Lead-Based Paint Hazard Reduction Act requires that HUD provide the pamphlet to purchasers and tenants of housing receiving Federal assistance. Section 1018 of that Act requires that EPA and HUD promulgate regulations requiring sellers or lessors of target housing to provide purchasers and lessees with the lead hazard information pamphlet.

These different regulations are currently under development and will be announced in the **Federal Register** when completed. In addition to its regulatory distribution, this pamphlet will be used by other Federal programs to support their educational and outreach goals and obligations. CPSC, a cosponsor of the pamphlet, will distribute the pamphlet to interested parties through its ongoing outreach efforts. This pamphlet will also become an information resource for families through the National Lead Information Center and other Federal information outlets.

## II. EPA's Development Process

### A. Interagency Consultation

Throughout development of the draft and final pamphlet, EPA has worked closely with other interested Federal agencies, including HUD, CDC, CPSC, and the 14 other agencies involved in the Federal Interagency Task Force on Lead Poisoning Prevention.

### B. Public Review and Comment

EPA developed a draft pamphlet and released it for a 60-day public comment period on March 9, 1994 (59 FR 11119), generating feedback from approximately 70 public commenters. These comments addressed stylistic, editorial, and policy concerns. All comments received have been placed into the public docket and are available for public review in the TSCA Nonconfidential Information Center (NCIC) from noon to 4 p.m., Monday through Friday, excluding legal holidays. TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC.

### C. Targeted Focus Tests and Interviews

EPA also conducted focus tests to obtain feedback on the pamphlet's readability within lower reading-level audiences. EPA conducted these tests during the spring and summer of 1994 in five cities: Mobile, AL, Haywood, CA, Washington, DC, Atlanta, GA, and

Chicago, IL. The tests consisted of moderated group discussions and one-on-one interviews which allowed EPA to probe for areas in the pamphlet that needed simplification, clarification, or rewording. EPA targeted lower reading-level audiences in recognition that such audiences typically have the greatest trouble benefiting from written health information, are least able to participate in traditional public review and comment periods, and may also be at special risk of lead hazard exposure. The focus tests proved valuable in providing comments on specific words, phrases, and graphics, and in providing overall impressions of the draft pamphlet's strengths and weaknesses. EPA has placed summaries and background materials from the focus tests into the public docket.

### D. Informal Public Meeting

On August 29, 1994, EPA held an informal public meeting in Washington, DC after publishing a notice in the **Federal Register** (59 FR 42043) and notifying all initial commenters. The meeting, which was moderated by an impartial facilitator, probed the attendants for comments on various aspects of a revised draft pamphlet using many of the same questions posed to focus group participants. Attendants at the meeting represented a wide range of views and backgrounds. A written verbatim transcription of the meeting is available for review in the public docket.

## III. Summary of Key Comments and Changes

During the public comment period, focus tests, and the public meeting, EPA received hundreds of comments and recommendations for improving the pamphlet, covering editorial, layout, graphics, and policy recommendations. EPA and consulting agencies have considered all comments in developing this revised pamphlet. A Response to Comments Document is available for review in the public docket. Below is a summary of some of the key points raised and changes to the pamphlet.

1. *Pamphlet layout/design/format.* EPA received many comments concerning the draft pamphlet's length, reading level and overall design. To respond to these concerns EPA has shortened the length of the pamphlet by 10 pages and completely redesigned the graphic look and layout of the final pamphlet. This redesign includes making better use of artwork, bold fonts, bullets, and sidebars to emphasize key messages and highlight important information.

EPA has also lowered the reading level of the pamphlet overall and has simplified the wording wherever possible. The new draft provides pages at the beginning and end of the pamphlet summarizing/emphasizing key points and messages and action items for reader consideration. Using these different techniques, EPA and CPSC believe that the revised pamphlet provides varying levels of detail to different audiences, depending on their education and areas of interest. At all levels of the pamphlets detail, however, EPA and CPSC have sought to reinforce the prevention theme of the document.

Recognizing that private reproduction of the pamphlet will be a key mechanism for distribution, EPA has resized the pamphlet to use a 5½ x 8½ format to facilitate photocopy reproduction using regular 8½ x 11 paper. In addition to providing color negatives to private entities that wish to reproduce the pamphlet in color, EPA is also releasing black and white camera-ready copy of the pamphlet available for photocopy and print reproduction. To further encourage such reproduction, EPA has also added space on the back cover for names and contact information of organizations that reprint and distribute the pamphlet.

2. *Role of qualified professionals in reducing lead hazards.* Several commenters suggested that the pamphlet address the role certified professionals should play in identifying and reducing lead hazards under future Federal regulations. Recognizing that the pamphlet will be distributed in advance of the completion of Federal training and certification standards for lead workers, the pamphlet focuses on the use of lead hazard reduction professionals "with special training for correcting lead problems" rather than requiring the use of certified contractors, which may not be available in many States. The pamphlet does, however, acknowledge that a certification program is being put into place and that persons are encouraged to use certified lead abatement contractors where possible.

3. *Detail of discussion of lead hazard evaluation and reduction techniques.* Feedback from public commenters and focus test participants indicated that much of the discussion of lead hazard evaluation and reduction methods was too detailed and technical to serve the pamphlet's general purpose. At the same time, many commenters recommended that the pamphlet include additional discussion of the difference between risk assessments and inspections as well as the differences between abatement and interim

controls. Recognizing that the concepts of risk assessment versus inspection and abatement versus interim controls are crucial distinctions for future hazard reduction efforts, EPA has added language clarifying these terms. However, EPA has also removed much of the more technical discussion of the specific steps involved in each activity. This revised language more effectively accomplishes the pamphlets goal of providing homeowners and occupants with an understanding of the key concepts and activities in reducing their risk of lead hazard exposure.

4. *Testing/screening children for lead.* EPA received considerable comment on appropriate recommendation language for childhood testing and screening. EPA has worked closely with CDC to analyze these comments and to develop revised testing and screening language that is fully consistent with CDC guidelines and also understandable for lay readers.

5. *Developing workable effective day-to-day cleaning measures.* A number of commenters suggested modifications to simple steps recommended for reducing lead hazards in housing. In particular, commenters identified potential issues related to recommending trisodium phosphate (TSP) or other high phosphate cleaning products for regular cleaning on all surfaces. In consultation with other Federal agencies, EPA has revised the recommendations to place the focus more on day-to-day types of home maintenance activities that can be effective at reducing, but not eliminating, lead hazard when conducted regularly.

6. *Comments not addressed.* EPA received many specific language changes and detailed policy recommendations that were not incorporated into the final pamphlet. During the pamphlet's revision, EPA, CPSC, and other participating agencies analyzed each recommendation in terms of the policy, technical, and editorial merit (and in light of the pamphlet's goals, target audience, and scope). As the whole document evolved, changes to the draft pamphlet frequently rendered some specific comments moot. The fact that a comment is not directly reflected in the final pamphlet does not necessarily indicate that the comment lacked merit. Rather, many comments were excluded since the comments no longer fit within the pamphlet's level of detail or scope.

#### IV. Alternative Languages

EPA recognizes that this lead hazard information may be important in some communities that have a limited ability to utilize information provided in

English. For that reason, EPA is currently developing a Spanish language version of the pamphlet. EPA and CPSC will announce the availability of the Spanish-language pamphlet in the **Federal Register** when available and immediately begin efforts to distribute the document through available channels.

In addition, the Agency is exploring avenues such as public-private partnerships for conducting translations into additional languages, such as Chinese and Korean. Organizations interested in working with EPA and CPSC to print and distribute the pamphlet, or to develop new pamphlet translations should write to: Paula Moser, Program Development Branch, Environmental Protection Agency (7404), 401 M St., SW., Washington, DC 20460.

Based on the response from interested organizations, EPA and CPSC will develop a plan for preparing additional translations.

#### List of Subjects

Environmental protection, Lead.

Dated: July 25, 1995.

**Lynn R. Goldman**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

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[OPPTS-211042A; FRL-4968-9]

#### TSCA Section 21 Petition; Response to Citizens' Petition

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; Response to citizens' petition.

**SUMMARY:** On April 19, 1995, EPA received a petition under section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620, signed by 24 environmental groups located in 10 western and mid-western States. The petition asserts that cement-producing plants that burn hazardous waste-derived fuel (WDF) in their kilns have higher concentrations of toxic metals in their cement end-products, and that these products therefore pose risks to end-users. The petition requests that EPA promulgate a rule under section 6 of TSCA requiring those producers who burn WDF to label their cement with a notice advising consumers of that fact, and cautioning them to avoid emitting or breathing the cement dust and to avoid direct contact.

The petition is denied on two grounds: (a) petitioners have not

substantiated the assertion that burning WDF increases risks posed to end-users of cement; and (b) for risk protection purposes, the label requested essentially duplicates labeling already required by the Occupational Safety and Health Administration (OSHA).

#### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460, (202-260-1024), Internet: TSCA-Hotline@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory Requirements

Section 21 of TSCA provides that any person may petition EPA to initiate proceedings for issuance of rules under sections 4, 6, and 8 of TSCA, or to issue orders under sections 5(e) or 6(b)(2) of TSCA. A section 21 petition must set forth facts which petitioners believe establish the need for the rules requested. EPA is required to grant or deny the petition within 90 days. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons in the **Federal Register**.

Within 60 days of denial, or if EPA fails to respond in 90 days, the petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking. For a petition for a new rule, the court must provide opportunity for the petition to be considered *de novo*. After hearing the evidence, the court can order EPA to initiate the requested action.

##### II. Approach to Reviewing Petition

Immediately following receipt of the petition, on April 19th, a Workgroup was established with representatives from EPA's Offices of Pollution Prevention and Toxics; Solid Waste and Emergency Response; and General Counsel. After receiving an unsolicited comment on the petition, on May 15th, the Agency decided to publish a Notice of Receipt (60 FR 30538, June 9, 1995), in order to afford all interested parties an opportunity to comment. In keeping with the 90 day deadline for reaching closure, the Workgroup briefed the Director of the Office of Pollution Prevention and Toxics on May 17th, and the Office Director subsequently presented the case to the Assistant Administrator for Prevention, Pesticides and Toxic Substances for a decision.