

each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCERQA (MC 8701R), 401 M Street, SW., Washington, DC 20460, (202) 564-6853.

Dated: April 6, 1999.

Peter W. Preuss, Ph.D.,

Director, National Center for Environmental Research and Quality Assurance.

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-RG1; FRL-6075-5]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; States of Connecticut, Maine, Massachusetts, and Vermont Authorization Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On November 16, 1998, Maine and Massachusetts submitted applications for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Connecticut submitted its application for EPA approval on November 30, 1998. Vermont submitted its application for EPA approval on February 10, 1999. This notice announces the receipt of the applications from Connecticut, Maine, Massachusetts, and Vermont and the opening of a public comment period that will last for 45 days. Connecticut, Maine, Massachusetts, and Vermont each have provided individual State self-certifications of lead programs meeting the requirements for approval under section 404 of TSCA. Therefore, pursuant to section 404, each of these State programs is deemed authorized as of the date of submission. If EPA subsequently finds that a program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will

be issued in the **Federal Register** and a Federal program will be implemented in the State whose program has been disapproved.

DATES: Individuals should submit comments on the authorization applications on or before June 1, 1999. In addition, a public hearing request may be submitted by June 1, 1999. If a public hearing is requested and granted, the hearing date and time will be announced in the **Federal Register**.

ADDRESSES: Submit in duplicate all written comments and/or requests for a public hearing, identified by docket control number "PB-402404-RG1" to: Environmental Protection Agency, Region I, (CPT) Suite 1100, One Congress Street, Boston, MA 02114-2023. Comments and a request for a public hearing may be submitted electronically to BRYSON.JAMESM@epamail.epa.gov. Please follow the instructions in Unit IV. of this document. No confidential business information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: James M. Bryson, Regional Abatement Coordinator, Environmental Protection Agency, Region I, (CPT) Suite 1100, One Congress Street, Boston, MA 02214-2023. Telephone: 617-918-1524, e-mail: BRYSON.JAMESM@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102-550, became law. Title X of that statute is the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended the Toxic Substances Control Act ("TSCA") (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92) which is entitled "Lead Exposure Reduction."

Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in those activities are certified and follow documented work practice standards. Under section 404, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied

facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. On August 31, 1998, EPA was required to institute the Federal program in States or Indian Country not having an authorized program, as provided by section 404(h) of TSCA. States and Indian Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA office for review. EPA is required to review those applications within 180 days of receipt of the complete application. To receive EPA approval, a State or Indian Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and that its program provides adequate enforcement. EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA and concluding, based on the required program analysis, that the State program is at least as protective as the Federal program and that the State program provides adequate enforcement.

Upon submission of such certification letter, the program is deemed authorized. This authorization is retracted, however, if upon review, EPA subsequently determines that the program is not at least as protective of human health and the environment as the Federal program, and/or does not provide for adequate enforcement, and the State does not correct the deficiencies necessary to make it so. Section 404(b) of TSCA provides that before authorizing a State program, EPA must provide notice and an opportunity for a public hearing on the application. Therefore, by this notice EPA is soliciting public comment on whether the applications submitted by the States of Connecticut, Maine, Massachusetts, and Vermont meet the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on any of the applications. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. If EPA's final decision on the application is a disapproval, this will be discussed in another **Federal Register** Notice.

II. State Program Description Summary

The Connecticut, Maine, Massachusetts, and Vermont programs: (1) Require abatement permits prior to the commencement of abatement activity; (2) will investigate tips and complaints, and enforce certification, accreditation, and permitting requirements for all disciplines and for all abatement-related activities, including training; and (3) provide for the suspension and/or revocation of the accreditation of training providers, as well as of the certifications of individuals and firms engaged in lead abatement practices.

The following are summaries of the programs proposed by Connecticut, Maine, Massachusetts, and Vermont.

Connecticut

The State of Connecticut submitted a lead poisoning prevention program established by the Connecticut General Statutes Sections: 19a-110 through 19a-111e, 20-482, 19a-14(a)(6), 19a-17 and 19a-206, and the Connecticut Department of Public Health Lead Poisoning Prevention and Control Regulations 19a-111-1 through 19a-111-11, and Licensure and Certification Regulations 20-478-1 through 20-478-3. This program includes: (1) Statewide standards for lead-based paint hazard identification and remediation; (2) approval and monitoring of training programs for lead abatement and consultant personnel; (3) licensure of lead abatement and consultant contractors; (4) certification of lead abatement and consultant personnel; (5) surveillance of blood lead testing activities, oversight of lead poisoning cases and evaluation of trends in blood lead levels utilizing the DPH Lead Surveillance System and the DPH Adult Blood Lead Registry; (6) a full range of clinical and environmental lead-related testing services as provided by the DPH Division of Laboratories Services; and (7) health education for risk education by fostering lead safe behavior and conditions. This overall program has been implemented with the assistance of local health departments that function in key supportive roles.

Maine

The State of Maine has submitted a Lead Poisoning Prevention Program established by the Maine Revised Statutes Annotated (M.R.S.A.). The specific authorities are contained in 38 M.R.S.A. Sections 341-A-349-A (1989 & Supp. 1997), 38 M.R.S.A. Section 1291-1297 (Supp. 1997) and 06-096 Chapter 424: Lead Management Rule. This regulation contains procedures and

requirements for the certification of persons engaged in lead-based paint activities, work practice standards for performing such activities, and accreditation of training providers and training programs. The regulation requires that, except as specifically exempted, all lead inspections, risk assessments, lead abatement designs, lead abatement activities, and any other services related to lead-based paint such as screening, lead determinations, and deleading be performed only by individuals and firms licensed pursuant to this regulation. This also sets standards and procedures for establishing the lead-safe status of residential dwellings and child-occupied facilities. The overall program has been implemented by the Department of Environmental Protection with the assistance of the Department of Human Services.

Massachusetts

The State of Massachusetts has submitted a Lead Poisoning Prevention Program established by Massachusetts General Law, Chapter 111, Sections 189A through 199A and Department of Public Health Lead Poisoning Prevention and Control Regulations 105 CMR 460 and Department of Labor and Workforce Development Deleading Regulations 454 CMR 22.00. The Program addresses a wide range of activities. Program elements include: (1) State standards for lead-based paint hazards and remediation; (2) approval and monitoring of training programs for lead abatement; (3) licensure of lead abatement and consultant contractors; (4) certification of lead abatement and consultation personnel; (5) surveillance of blood lead testing activities, oversight of lead poisoning cases and evaluation of trends in blood lead levels; (6) a full range of clinical and environmental lead-related testing services and; (7) health education for risk reduction by fostering lead safe behavior and conditions. This overall program has been implemented with the full support of both departments.

Vermont

The State of Vermont has submitted a Lead Poisoning Prevention Program established by the Vermont Statutes Annotated Title 18, Chapter 38. The specific regulatory authority is contained in the Vermont Regulations for Lead Control, V.S.A. Title 18, Chapter 38. This regulation contains procedures and requirements for the certification of persons engaged in lead-based paint activities, work practice standards for performing such activities, and accreditation of training providers

and training programs. The regulation requires that, except as specifically exempted, all lead inspections, risk assessments, lead abatement designs, lead abatement activities, and any other services related to lead-based paint such as screening, lead determinations, and deleading be performed only by individuals and firms licensed pursuant to this regulation. The overall program has been implemented by the Department of Health.

III. Federal Overfiling

TSCA section 404(b) makes it unlawful for any person to violate or fail or refuse to comply with any requirement of an approved State program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State program.

IV. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number "PB-402404-RG1." Copies of this notice, and all comments received on the applications are available for inspection in the EPA Region I Office from 7:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region I Library, Suite 1100, One Congress Street, Boston, MA 02114-2023. Commenters are encouraged not to include CBI in their comments. However, any information submitted and claimed as CBI must be clearly identified as such and marked "confidential," "CBI," or with some other appropriate designation. In addition, a commenter submitting such information must prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

Electronic comments can be sent directly to EPA at:
BRYSON.JAMESM@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "PB-402404-RG1." Electronic comments on

this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 ("Regulatory Planning and Review," 58 FR 51735, October 4, 1993), and Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks," 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of

Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: April 6, 1999.

John P. DeVillars,

Regional Administrator, Region I.

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-TX; FRL-6073-6]

Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Texas's Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for a public hearing.

SUMMARY: On March 18, 1999, the State of Texas submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of Texas's application, and provides a 45-day public comment period and an opportunity to request a public hearing on the application. Texas has provided a certification that their program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which time a notice will be issued in the **Federal Register** and the Federal program will be established.

DATES: The State program became effective March 18, 1999. Submit comments on the authorization application on or before June 1, 1999.

Public hearing requests must be submitted on or before May 3, 1999. If a public hearing is requested and granted, the hearing will be held on May 14, 1999, 1 p.m., at the United States Environmental Protection Agency, 1445 Ross Avenue (Fountain Place), Dallas, TX. If a public hearing is not requested, this meeting time and place will be canceled. Therefore, individuals are advised to verify the status of the public hearing by contacting the Regional Lead Coordinator (name, telephone number, and address are provided in the "FOR FURTHER INFORMATION CONTACT" section of this notice) after May 3, 1999 and before the May 14, 1999 public hearing date.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket number "PB-402404-TX" (in duplicate) to: Environmental Protection Agency, Region VI, 6PD-T, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733.

Comments, data, and requests for a public hearing may also be submitted electronically to robinson.jeffrey@epamail.epa.gov. Follow the instructions under Unit IV of this document. No Confidential Business Information (CBI) should be submitted through e-mail.