

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.

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## 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

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## 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-

cent level of confidence that none of the renovations completed by a certified renovation firm would result in levels that exceed the standards, as determined by the Administrator; and

(B) if random sampling indicates that a group of particular renovations results in a level that exceeds the standards, until such time as the Administrator determines that the renovations of the individual or entity achieve the level of confidence described in subparagraph (A), the individual or entity that completed the renovations shall be responsible for providing for independent clearance of—

(i) each subsequent renovation completed by the individual or entity; and

(ii) each unit renovated during the period beginning on the date of the most recent clear inspection and ending on the date of failure of clearance, including offering to perform recleaning on any unit that exceeds standards;

(2) a written renovation completion report shall be provided to both owners and occupants of a covered property describing all the actions that were performed to reduce lead hazards during the work

and the results of all tests performed as part of efforts to ensure compliance with the final rule and other applicable regulations;

(3) work practices used shall be at least as protective as those of the Department of Housing and Urban Development described in 35.1350 of title 24, Code of Federal Regulations (or successor regulations); and

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

#### **SEC. 4. TRAINING OPPORTUNITIES.**

(a) GRANT PROGRAM TO EXPAND TRAINING OPPORTUNITIES.—

(1) ESTABLISHMENT.—The Administrator shall establish a grant program to expand training opportunities relating to lead-based paint that are available at the State and tribal level.

(2) USE OF FUNDS.—Funds provided through grants under the program established under paragraph (1)—

(A) shall be used by a recipient to provide no-cost, culturally and linguistically appropriate 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.

