



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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National Multi Housing Council/National  
Apartment Association Joint Legislative Staff  
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Washington, DC 20036

Dear Dr. Lee:

Thank you for your letter of January 22, 2010, to the U.S. Environmental Protection Agency's (EPA's) Administrator, Lisa Jackson, regarding the applicability of the Lead Renovation, Repair, and Painting (RRP) Rule, promulgated by the EPA in April, 2008. I regret that you and your members may have received inaccurate information from EPA representatives and I will make sure that the correct information, as presented in this letter, is communicated to all EPA staff involved with lead-based paint issues.

Pursuant to 40 CFR § 745.82(a)(1), the RRP rule does not apply to target housing where a certified inspector or risk assessor has determined that the components affected by the renovation are free of regulated lead-based paint. This determination must be in writing and must be made by an inspector or risk assessor certified by the EPA under 40 CFR § 745.226 or certified by a State or Tribal certification program authorized under 40 CFR § 745.324. The certified inspector or risk assessor may determine that the affected components are free of lead-based paint by inspecting the entire building for lead-based paint or by inspecting just the area to be renovated.

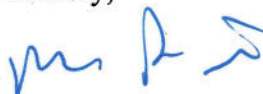
A determination made by an inspector or risk assessor that a property is free of lead-based paint for the purposes of the Lead Disclosure Rule, 40 CFR part 745, subpart F, and 29 CFR part 35, subpart A, is sufficient for the purposes of 40 CFR § 745.82(a)(1), so long as the inspector or risk assessor is properly certified at the time the determination is made.

Neither the Lead Disclosure Rule nor the RRP Rule require certified inspectors or certified risk assessors to test each and every component that will be affected by a renovation. That requirement only applies to certified renovators using EPA-recognized test kits to determine the applicability of the RRP rule under 40 CFR § 745.82(a)(2). As discussed in the preamble to the final RRP rule, certified renovators will not be taught appropriate sampling protocols, *e.g.*, those contained in the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards

in Housing” issued by the Department of Housing and Urban Development. (73 FR 21692, at 21712, April 22, 2008). Therefore, certified renovators must test each and every component that will be affected in order to determine that the RRP rule does not apply to a particular renovation. In making a determination under 40 CFR § 745.82(a)(1), certified inspectors or risk assessors are free to conduct representative sampling, so long as the components to be tested are chosen in accordance with documented methodologies, such as the HUD Guidelines.

Thank you for your ongoing interest in the implementation of the RRP rule. If you have any questions on this issue, or any others in the future, please do not hesitate to contact me directly at (202) 566-0744, or by e-mail at [price.michelle@epa.gov](mailto:price.michelle@epa.gov).

Sincerely,



Michelle Price, Chief  
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