



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

JAN 28 2014

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Ms. Rebecca Morley
National Center for Healthy Housing
10320 Little Patuxent Parkway, Ste. 500
Columbia, MD 21044

Mr. Ken Rigmaiden
International Union of Painters & Allied Trades
7234 Parkway Drive
Hanover, MD 21076

Mr. Steve Weil
Lead and Environmental Hazards Association and
National Association of Lead and Healthy Homes Grantees
PO Box 535
Olney, MD 20830

Dear Ms. Morley, Mr. Rigmaiden, and Mr. Weil:

The U.S. Environmental Protection Agency has completed its review of your October 31, 2013 petition requesting the EPA to promulgate a rule pursuant to Section 8(d) of the Toxic Substances Control Act that would require property managers, building owners, and contractors disturbing paint on public and commercial buildings to submit to the EPA certain records related to the Occupational Safety and Health Administration's construction standard for lead.

Based on this review and careful consideration of your request, the EPA is denying the petition. In short, the petition fails to set forth facts which establish that it is necessary to issue the requested rule. Furthermore, the EPA has concerns regarding the availability and utility of the requested data, and the appropriateness of a TSCA Section 8(d) reporting rule to obtain the information. The reasons for the EPA's denial are set forth in a notice to be published in the *Federal Register*.

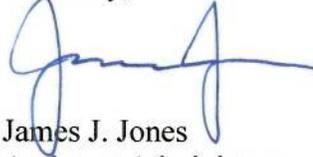
Please be advised that pursuant to Section 21 of TSCA, the EPA is required to grant or deny the petition within 90 days of its filing. If the EPA denies the petition, a petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking proceeding within 60 days of either a denial or the expiration of the 90-day period.

Although the EPA is denying your specific request to promulgate a TSCA Section 8(d) reporting rule, we nonetheless plan to seek these records, as well as other potentially relevant information, in an alternative, more expeditious manner. Namely, the EPA will issue information request letters to a smaller, targeted group of entities pursuant to its authority under TSCA. Unlike a TSCA Section 8(d) reporting rule, this approach is not limited to "health and safety studies" and will enable the EPA to reach other potentially relevant information. Additionally, the EPA is currently working directly with

OSHA to obtain some of the same data contained within OSHA's enforcement records. Finally, the EPA recently announced its intention to conduct a broad industry survey to collect various types of information from the public and commercial building industry. This survey was specifically designed to target additional information that the EPA expects will be useful to the public and commercial buildings rulemaking analysis. The proposed survey is available at: <http://www.regulations.gov>, *Agency Information Collection Activities; Proposed Collection; Comment Request*. EPA-HQ-OPPT-2013-0715; FRL-9902-85.

Thank you for your continued interest in the agency's efforts to reduce lead exposure. If you would like to discuss this matter further, please contact Tanya Hodge Mottley, Director of the National Program Chemicals Division, at 202-564-3152.

Sincerely,

A handwritten signature in blue ink, appearing to read "James J. Jones", with a long horizontal flourish extending to the right.

James J. Jones
Assistant Administrator