



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



FEB 23 2000

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Real Estate Notification and Disclosure Rule: Final Enforcement Response Policy Corrections (February 2000)

FROM: Jesse Baskerville, Director
Toxics and Pesticides Enforcement Division

TO: Regional Toxics and Pesticides Division Directors
Regional Toxics Branch Chiefs
Regional Lead Coordinators

This memorandum serves as notice that the Final Enforcement Response Policy ("Final ERP") for the Real Estate Notification and Disclosure Rule ("Disclosure Rule") has been revised to include several corrections. These corrections are listed below:

Page 7; 2nd paragraph

The first sentence has been revised to read: *"A violator can generally expect to pay the maximum civil penalty if a child under six with an elevated blood level ("EBL") is present in target housing where notification has not been provided, or where a previous order to abate lead hazards from a federal, state, or local authority has been ignored by the responsible party."*

Page 11; Part 1 Age of child(ren) living in target housing

the 5th sentence in Part 1 has been revised to read: *"The harmful effects that lead can have on children under the age of six warrant a major extent factor. Children age of six or above can also be harmed by exposure to lead-based paint and lead-based paint hazards; therefore, the extent factor takes this fact into consideration as well."*

Page B-2; Attachment B

In the Circumstance Level Matrix under the subsection Opportunity to Conduct Inspection, the word reassessment was changed to risk assessment.

Page B-2; Attachment B

In the Circumstance Level Matrix under the subsection Certification and Acknowledgment, the violation referenced by 40 CFR § 745.113(b)(5) was changed from a Level 4 violation to a Level

5 violation.

Page B-4; Appendix B

In the Extent category matrix the factors for a Significant violation were revised to read: "Child 6 years of age or older but less than 18 years of age". The factors for a Minor violation were revised to read: Occupant is 18 years of age or older.

Page C-1; Appendix C

Violations cited in the case scenarios were revised to include complete rule citations.

Page D-1; Appendix D

The Explanation of Factors and the Civil Penalty Adjustment Worksheet were revised to demonstrate that adjustments to the gravity-based penalty are to be made individually instead of collectively.

If you have any questions concerning these corrections, please contact me at (202) 564-2325 or Claude Walker, staff attorney, at (202) 564-4042.

Attachment

cc: Eric Schaeffer (ORE)
Michael Stahl (OC)
William Sanders (OPPTS)
John Kennedy (HUD)
David Jacobs (HUD)