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United States Senate

WASHINGTON, DC 20510-1903

April 13, 2010

COMMITTEES:
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RANKING MEMBER, SMALL BUSINESS

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I am writing you regarding a final rule under the Toxic Substances Control Act (TSCA), regarding lead abatement, and is scheduled to take effect next week.

As you well know, lead poisoning is a serious issue that causes long-term and severe neurological issues for children and cardiovascular complications for adults. While public education, and state and federal policies have made significant progress on reducing lead poisoning, clearly more must be done and it is critical that we get these policies right. On April 22nd, 2008, the Environmental Protection Agency (EPA) issued a proposed rulemaking that required renovators of buildings that may have lead paint to undergo training for best practices to reduce the risk of lead poisoning, and the proposed rule was estimated to cost \$800 million in the first year of enactment. Since the time of the proposed rulemaking our economy underwent a serious recession and continues to experience unacceptable levels of unemployment. While this does not alter our commitment to reducing and ultimately eliminating lead poisoning, I do believe the situation requires a reassessment to ensure that we are moving forward with the rule in the most cost-effective manner.

At my request, on March 26th EPA Region 1 provided a briefing regarding the proposed rulemaking in Portland, ME. I appreciate the outreach to the contractors and businesses that are required to comply with the rulemaking, but I am concerned that this type of briefing is occurring much too late in the process. According to Carol Cifirino, the Manager of the Maine Department of Environmental Protection's lead and asbestos hazard prevention programs, Maine currently has only one approved EPA trainer for the new rule and that it will take another year for the expected 20,000 Mainers who require training. While our economy has stalled a significant amount of renovation work, I do not believe that a pending EPA rule should exacerbate the current situation.

Right now every training class in Maine is booked until July and this, unfortunately, leaves businesses with the impossible choice of closing their doors or operating in violation of the current rule. Accordingly, I would request that you consider delaying fines for potential violators related to this final rule for at least one full year to allow renovators the opportunity to become certified under the EPA regulations. Instead, violators of the rule could be provided with a citation and with information regarding training classes available in the State of Maine.

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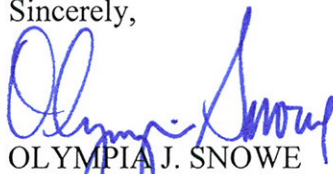
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This would allow the EPA to continue to educate renovators, homeowners, and renters about the rule and the hazards of lead poisoning, while not burdening businesses with unnecessary fines during this period of economic uncertainty when training is simply not available in the State of Maine, and still move forward with the final rule, in its entirety, in 2011.

I thank you for consideration of my request and look forward to your response.

Sincerely,



OLYMPIA J. SNOWE
United States Senator