

Science Advisory Board Consultation Regulatory Overview

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Residential Hazard Standards

- o TSCA §403(c) provides authority for the Administrator to set levels for lead-based paint hazards, lead-contaminated dust and lead-contaminated soil
- o Under TSCA §401, lead-based paint hazards are defined as conditions of lead-based paint and lead-contaminated dust that “would result” in adverse human health effects

Residential Hazard Standards

- o In January 2001, EPA established lead dust hazard standards
 - o Greater than or equal to $40 \mu\text{g}/\text{ft}^2$ of lead on floors
 - o Greater than or equal to $250 \mu\text{g}/\text{ft}^2$ of lead in dust on interior window sills
 - o Used as clearance standards

Residential Hazard Standards

- o National Center for Healthy Housing (NCHH), Alliance for Healthy Homes, Sierra Club, and several other environmental and health NGOs petitioned the Agency on August 10, 2009 to lower the lead dust hazard standards

Residential Hazard Standards

- Petitioners requested that EPA reduce the standards to $10 \mu\text{g}/\text{ft}^2$ or less for floors and $100 \mu\text{g}/\text{ft}^2$ or less for window sills
- Petitioners analysis of NHANES data states
 - 4.6% children would have elevated BLL $10 \mu\text{g}/\text{dL}$ or greater when dust lead loading was $12 \mu\text{g}/\text{ft}^2$
 - 5.1% of children would have BLL $10 \mu\text{g}/\text{dL}$ or greater when window sill dust lead loading was $100 \mu\text{g}/\text{ft}^2$
- EPA analysis when it established the regulatory standards indicated that there was a 1-5% probability of a child developing BLL of $10 \mu\text{g}/\text{dL}$ at those standards

Residential Hazard Standards

- o On October 22, 2010 EPA granted the petition
 - o More recent epidemiological studies indicate that the current standards may not be sufficiently protective given the levels at which lead causes toxicity
 - o Petitioners contentions provided additional rationale

Residential Hazard Standards

- o In addition to identifying dust-lead hazards, standards will be used
 - o Assessment of impacts of renovations on exterior of public and commercial buildings on residential exposures
 - o Renovations in residential settings
 - o Clearance standards

Renovations on Public and Commercial Buildings

- o TSCA requires that EPA regulate renovations that create lead-based paint hazards in
 - o Target housing
 - o Public buildings constructed before 1978, and
 - o Commercial buildings

Renovations on Public and Commercial Buildings

- o EPA has not issued regulations for renovations on public and commercial buildings
- o Environmental and housing advocates sued EPA because it failed to address this statutory requirement
- o EPA entered into a settlement agreement
- o The agreement calls for EPA to issue by April 22 2010 an Advance Notice of Proposed Rulemaking on EPA's intention to
 - o Propose work practice requirements for renovations on the exteriors of public and commercial buildings
 - o Evaluate whether renovations in the interior of these buildings create lead-based paint hazards, and, if so, propose work practice requirements for those renovations
 - o EPA has issued the ANPR. The comment period closes July 6

Renovations on Public and Commercial Buildings

- Under the settlement agreement, EPA must issue, by December 15, 2011, a proposal to establish work practice standards for renovations on the exterior of public and commercial buildings
 - EPA agreed to take final action on this proposal by July 15, 2013
- The settlement agreement requires that EPA consult, by September 30, 2011 with the SAB on risk assessment methodology to evaluate the hazards posed by renovations in the interior of public and commercial buildings
 - 18 months after receiving the SAB report, EPA must either issue a proposed rule to establish work practice requirements for these interior renovations or conclude that they do not create lead-based paint hazards
 - EPA agreed to take final action on this proposed rule within 18 months of publication

Renovations in Public and Commercial Buildings

- What is the standard for developing work practice standards for renovations?
 - TSCA directs EPA to develop work practice standards taking into account “reliability, effectiveness, and safety”

Hazard Standard for Public and Commercial Buildings

- Why the change in the timing of the SAB review?
 - EPA agreed to issue a proposed rule on renovations on the exterior of public and commercial buildings by December 2011
 - EPA initially planned to propose work practice standards for renovations on the exteriors of public and commercial building based on the contributions to residential exposures using the existing residential hazard standards
 - Given the petition to revise the residential hazard standards, EPA believed it would be appropriate to use the technical basis for a proposed revised (if appropriate) hazard standard to determine the “safety” component of the “reliability, effectiveness, and safety” finding it must make
 - It is most efficient to conduct the assessment for both the residential and the public and commercial building hazard standards in parallel