

February 13, 2015

Mr. Marc Edmonds
National Program Chemicals Division
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: EPA-HQ-OPPT-2014-0304; Lead-Based Paint Programs; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements

The National Apartment Association (NAA) and National Multifamily Housing Council (NMHC) represent the nation's leading owners and managers of apartment properties. For more than 20 years, NAA and NMHC have partnered in a joint legislative program to provide a single voice for America's apartment industry. Our combined memberships are engaged in all aspects of the apartment industry, including ownership, development, management and finance. NMHC represents the principal officers of the apartment industry's largest and most prominent firms. NAA is a federation of more than 170 state and local affiliates comprised of 67,000 multifamily housing companies representing 7.6 million apartment homes throughout the United States and Canada.

NAA/NMHC members have a strong commitment to providing lead-safe housing and offer the following comments to the Agency's proposal "Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements."

NAA/NMHC have a long history of working with the Environmental Protection Agency (EPA), the Department of Housing and Urban Development and the Occupational Safety and Health Administration on the development of federal regulations to ensure that renovation, repair and painting (RRP) activities that may disturb lead-coated surfaces are performed safely and do not create lead hazards. The apartment industry has worked with federal authorities to develop training courses and expert advisor programs that assist property owners and managers in meeting their responsibilities regarding lead-safe housing and lead-safe work practices; we have sponsored numerous workshops around the country and routinely report on lead safety matters in industry publications. NAA state and local affiliates and NAA/NMHC member companies have sponsored hundreds of courses to train workers to meet the requirements of the RRP rule and become "certified renovators."

Since 2010, EPA has required that workers (termed by EPA as "renovators") engaged in RRP tasks that disturb potential lead-based paint successfully complete an approved 8-hour training course that includes a minimum of 2 hours devoted to hands on training, in order to obtain a certification by EPA or under an approved state program.¹ In addition, renovators are required to take a 4-hour refresher course in order to maintain their certified status every 5 years.

¹ 40 CFR Part 745.225 6 (vi)

EPA is proposing to modify the recertification requirements to enable already trained and certified renovators to take an online refresher course. EPA has stated that “it is less important for the refresher course to include hands-on training...renovators that are seeking recertification have been practicing the hands-on skills on renovation jobs during their 5-year certification.”² As professional owners and managers of properties that may fall within the scope of ‘target housing,’ we support the Agency’s plan to reduce the regulatory burden associated with the RRP rule by permitting certified renovators to use online training to fully meet the recertification requirement. At the time that the RRP rule was proposed, NAA/NMHC observed that “distance learning” would facilitate the Agency’s goal of training workers in lead safe work practices; we still believe this to be case.

According to EPA’s own data, as many as 168,000 certified renovators will need to complete the 4-hour refresher course by July 1, 2015 in order to maintain their certification.³ Many of these certified renovators are small businesses as defined by the Small Business Administration. The timing of EPA’s amendment leaves open the possibility that the online option may not be available to meet the first wave of renovator recertification and thus this cohort of workers will be subject to a significantly greater compliance burden in terms of time and costs. Accordingly, NAA/NMHC support EPA’s suggestion to allow these certified renovators to maintain their certification for an additional 6 months past the July 1 deadline in order to permit the development and approval by EPA of online training courses that will satisfy the recertification requirement. The shift in compliance pathways to enable online training rather than in-person, hands-on refresher training will reduce the cost of training by eliminating travel costs and other expenses. EPA has stated that “98% of renovators will take the online course if the hands-on training requirement is removed, based on the significant cost savings that would result.”⁴ While we are unable to indicate a percentage of certified renovators that will choose this option, we believe that generally speaking, the online option would be preferable for many individuals based on the prevalence of online learning opportunities in many fields.

According to information collected by the NAA Education Institute, there is an ever growing trend in the apartment industry for companies to have their own learning management systems in place to facilitate employee training and to monitor compliance with specific training requirements. Increasingly, apartment providers show a preference for using online training tools because of the consistency of educational experience and the minimization of travel time for employees and trainers. For renovator recertification training, an apartment firm could license an EPA-approved Lead-Based Paint training program and incorporate the course into their Learning Management System to make employee training compliance and reporting requirements seamless. If EPA’s compliance was set up to electronically receive student data, the online course provider could send EPA automatic daily reports that would include all the required information.

Online teaching tools have evolved to a level of sophistication that can monitor student attention to the lesson. Hands-on training can be replaced with scenario-based learning, drag and drop, videos and photos. For example, an online teaching module could use drag and drop technology replicate hands-on instruction to identify the tools/equipment that are required for a lead-based paint repair activity. Also, several video versions of a repair event could be shown and a student could be asked to select the video in which the task was properly performed.

² 80 Fed. Reg. 1875 (January 14, 2015)

³ *Ibid.* at 1878

⁴ *Ibid.* at 1876

This format and variations in which viewers are asked to order a sequence of steps can be used to check competency on work site set up, work practices and clean up after disturbing lead-based paint.

The development costs for an online course designed to replace hands-on training and that can be housed on a platform that allows for daily electronic reports to be sent to EPA can be substantial; the costs associated with using such a module could reasonably be expected to be in the region of \$150 - \$200. While online training eliminates travel and other associated costs for certified renovators, it is not clear that the tuition for an online training courses that meets EPA-recertification requirements will be reduced as compared with the tuition for a hands-on training session.

In summary, NAA/NMHC support EPA's proposal to amend the renovator recertification process to enable the use of online training tools in place of hands-on training. However, based on apartment industry experience in developing online curricula and the timeline EPA has established in promulgating this notice, it is not clear that a six month extension of the upcoming initial recertification deadline will be sufficient to permit the development and approval of training course by EPA and the deployment of that course for recertification of the large cohort of renovators whose certification expires July 1. NAA/NMHC urge EPA to expedite the development and approval of these online training modules for the regulated community and pledge to work with EPA to keep our members informed of pending developments and the availability of approved training courses.

NAA/NMHC respectfully ask EPA to share with the regulated community any information it may have on the impact that the certified renovator rule has had on the incidence of lead hazards associated with renovation, repair and painting activities in target housing. In promulgating the RRP rule, EPA estimated that in the first year, some 8.4 million renovation events would be covered under the rule. That number was expected to drop to 4.4 million renovations in following years as EPA-approved test kits would be available to provide rapid, cost effective field determinations of lead-based paint at the time of a RRP activity.⁵ Based on this calculus, 26 million regulated residential events have been performed by certified renovators since 2010. Does EPA have any data to support whether dust lead associated with RRP jobs have been reduced from the levels that were anticipated in the absence of regulation? Does EPA have any data to indicate whether dust-lead levels exceed any regulatory standard following clean-up and Cleaning Verification? Based on the existing Agency experience with RRP activities performed in target housing, it is relevant to whether lead-dust levels, overall, or lead-dust hazards, in particular, have been reduced prior to extending this regulation to commercial and public buildings.

NAA/NMHC appreciate your consideration of our comments. If you require additional information or clarification, please contact Eileen Lee, NMHC Vice President of Energy and Environmental Policy at 202-974-2300.

⁵ 73 Fed. Reg. (78) 21743 and 21750