

Comment from Jane Malone, Alliance for Healthy Homes, jmalone@afhh.org

Docket: EPA-HQ-OPPT-2008-0382

Proposed rule re: Lead; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities and Renovation Contractors

A. Policies for Fees

1. The decision to lower individual certification and re-certification fees for Federally-recognized Indian Tribal employees to \$10 is appropriate. But financial hardship situations should be treated comparably. The opportunity to pay a \$10 certification fee that has been extended to Indian Tribe LBP activities professionals should be offered to workers with low incomes (e.g. income below 50% of area median based on readily available HUD data). Similarly, because non-profit organizations face hardships, and they will likely have to pay for employee certification, their employees should receive the discounted rate.
2. The decision to forego collection of fees for certified renovators and sampling technicians is correct. The training provider will assure readiness, issue identification, and report certifications to states and EPA. There is no basis for tracking of certified renovators since all will be employed by firms that are responsible for rule compliance, and from which fees will be collected.
3. Exemption from training accreditation fees for non-profit and government-operated training firms is proper, consistent with Title X.
4. Since some states' RRP programs may be administered outside of the agency or administrative structure responsible for the LBP activities program, and the entity that does not already administer LBP may have economies stemming from their pre-existing systems for regulating construction contractors or other circumstances, EPA should not model the merger of the LBP and RRP delivery systems by combining the estimated costs for these two programs or taking any other comparable actions.
5. Charging firms with annual revenues below \$25,000, likely to be part-time operations, only \$100 for firm certification to makes good sense. EPA's schedule of fees for firm certification should be further graduated according to annual revenue. Harvard University's Joint Center for Housing report, *Foundations for Future Growth in the Remodeling Industry*, indicates that firms with revenue less than \$100,000 receive 2.5% of the remodeling contractor revenue, and firms earning between \$100,000 and \$250,000 earn only 9.9% of the remodeling contractor revenue. Because these entities have a smaller base on which to spread the rule's training and recordkeeping costs, firms with \$25,001-100,000 in revenue and firms with \$100,001-250,000 in revenue should be charged \$150 and \$200 respectively.
6. Reducing fees for firm certification for State and local governments by 50% makes sense, even though fees for non-government firms would have to be increased. This same price break for firm certification should be extended to non-profit organizations and Indian Tribes.

B. Basis for Costs to be Covered by Fees

1. At \$210 per record of certification or accreditation, the apparent cost of the Federal Lead-Based Paint Program (FLPP) database seems excessive and should not be included as a supportable cost for fees to be collected to administer RRP training provider accreditations and firm certifications. The lack of credibility of this pricing calls into question the proposed comparable costs for RRP (\$210 per firm certification and training provider accreditation and \$5 per renovator/ sampling technician). For non-delegated states' renovation firms, the regions and headquarters should use commonly available database software to record and periodically post updated listings. States should be encouraged to use similar

systems. Removal of these inflated costs from the fee cost basis estimates can reduce per-entity admin costs considerably.

2. The estimate of enforcement cost is understated; the share of fees set aside for admin should be designated for enforcement infrastructure.