

November 20, 2017

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Senior Advisor to the Director
U.S. Department of Housing and Urban Development
Office of Lead Hazard Control and Healthy Homes
451 7th Street S.W., Room 8236
Washington, D.C. 20410

Comments submitted electronically to FedLeadStrategy@nih.gov

Re: Drafting a New Federal Strategy To Reduce Childhood Lead Exposures and Impacts: Request for Information [Docket No. FR-6049-N-01]

Dear Dr. Friedman:

On behalf of the National Association of Home Builders (NAHB), I appreciate the opportunity to submit the following comments in response to the Department of Housing and Urban Development's (HUD) request for information, "Drafting a New Federal Strategy To Reduce Childhood Lead Exposures and Impacts."¹

NAHB is a federation of more than 700 state and local home builder associations nationwide. The organization's membership includes over 140,000 firms engaged in land development, single and multifamily residential construction, remodeling, multifamily ownership and management, building material trades, building products manufacturing and supply, and commercial and light industrial construction. Collectively, NAHB's members employ more than 1.26 million people and construct about 80 percent of all new housing units built within the U.S. each year.

Specifically, NAHB seeks to respond to the Lead Subcommittee of the President's Task Force on Environmental Health Risks and Safety Risks to Children (Task Force) request for public comment on a new federal lead strategy being developed by the Task Force. NAHB has been actively engaged in lead-based paint programs for the residential sector since these programs were first created. For example, NAHB has worked closely with the Environmental Protection Agency (EPA) as it developed and implemented the Lead; Renovation, Repair, and Painting (RRP) Program. The RRP Program impacts NAHB remodeler members who work in target housing. Throughout the program's development and implementation, NAHB has facilitated stakeholder engagement and provided ongoing input to EPA. NAHB appreciates the opportunity to expand that effort to include working with the Task Force as it seeks to update its federal strategy document aimed at reducing childhood lead exposures and impacts.

¹ 82 Fed. Reg. 49,226 (October 24, 2017).

NAHB remains committed to working with the federal government to eliminate the risk of lead poisoning and supports the goal of eliminating childhood lead poisoning. Thanks to the ongoing work of the Centers for Disease Control and Prevention (CDC), through the National Health and Nutrition Examination Survey (NHANES), as well as the EPA's "America's Children and the Environment" report, we know that the concentration of lead in the blood of children ages 1 to 5 years has dropped significantly from 1976-1980 to 2013-2014.² As reported by the Task Force in 2016, the median concentration of lead in the blood of children ages 1 to 5 years dropped from 15 µg/dL in 1976-1980 to 0.7 µg/dL in 2013-2014, a decrease of 95 percent; the concentration of lead in blood at the 95th percentile in children ages 1 to 5 years dropped from 28 µg/dL in 1976-1980 to 2.2 µg/dL in 2013-2014, a decrease of 92 percent.

While data continue to be collected on elevated blood lead levels, it is challenging to fully understand the implications of that data if environmental data is not simultaneously being collected. How can HUD, EPA or CDC provide accurate reports on the causation of the elevated levels if NHANES does not also track the source of those levels? The NHANES study last included testing collection of lead dust samples as a part of the examination survey content in 2003-2004.³

This is especially important if the task force looks to expand the scope of the range of its 2000 report, "Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards." While the Task Force has previously focused primarily on the impacts of lead-based paint hazards, recent events have once again brought to light the fact that other environmental sources remain as potential points of childhood lead exposure. Reliable and publicly accessible data is needed to ensure that the assortment of programs targeting lead hazards are truly aimed at those in greatest need. NAHB urges the Task Force to examine sources of exposure in addition to elevated blood level surveillance.

NAHB further urges the Task Force to recommend that research identify specific geographic areas and demographic groups who reside in housing stock (i.e. owner-occupied and rental housing) covered by targeted programs such as EPA's RRP rule and report what portion of these children are still at risk from lead hazards. Such data would not only benefit the regulated community by highlighting specific geographical areas of concern, or even the age of housing stock that represents the most significant risks; but could also inform the states that have received delegation from EPA to administer the RRP rule by helping EPA delegated states focus their own inspection and enforcement efforts under the RRP rule. Without this data, limited public and private resources stand to be misused on programs that fail to target those areas where lead exposure poses the most risks.

For example, data about the presence of lead-based paint hazards in pre-1978 structures is vital to the work of NAHB's remodeler members and the customers they serve, as it is the trigger for the lead-safe work practices required by the RRP regulation. Currently the rule is being implemented without the full set of tools originally envisioned when adopted. The lack of a market-ready, commercially available, accurate EPA-recognized lead-based paint (LBP) test kit has real world implications for efforts to

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https://ptfceph.niehs.nih.gov/features/assets/files/key_federal_programs_to_reduce_childhood_lead_exposures_and_eliminate_associated_health_impacts/presidents_508.pdf see pg.

³ https://www.cdc.gov/nchs/data/nhanes/survey_content_99_16.pdf see pg. 9

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reduce childhood lead exposure and its impacts.

Lacking an accurate EPA approved LBP test kit, certified renovators working on pre-1978 homes or child-occupied facilities must still determine if RRP applies. They must either (i) assume lead-based paint is present or (ii) use an available test kit that is prone to “false positive” results. Both options have caused certified renovators to over-apply EPA’s RRP rule in buildings that do not present any actual lead-based paint hazard.

According to HUD, only 24 percent of homes built between 1960 and 1977 contain lead-based paint.⁴ This means that when renovators assume that lead is present in these pre-1978 homes, it is likely that *76 percent of the time renovators are applying the rule in a home never intended to be covered by the program.* This over-application of EPA’s rule imposes significant costs on homeowners and EPA certified renovators alike, while also creating a significant recordkeeping burden and potential EPA enforcement risk for the EPA certified renovator. A lack of updated demographic data, coupled with over-application of the RRP rule means resources are not being targeted where they are most needed.

Please contact me at tspielvogel@nahb.org or (202) 266-8327 if you have any questions. NAHB looks forward to working with the Task Force as it drafts the new “Federal Strategy To Reduce Childhood Lead Exposures and Impacts” and to reviewing how the new Strategy may impact various aspects of the communities and industries we serve.

Sincerely,



Tamra Spielvogel
Environmental Policy Program Manager
National Association of Home Builders

⁴ HUD, *American Healthy Homes Survey: Lead and Arsenic Findings* (April 2011) at 14 (Table ES-1), available at http://portal.hud.gov/hudportal/documents/huddoc?id=AHHS_Report.pdf.