



National Center for Healthy Housing

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Office of Pollution Prevention and Toxics (OPPT)
Environmental Protection Agency, 1200 Pennsylvania Ave., NW
Washington, DC 20460-0001
ATTN: Desk Officer for EPA, 17th St., NW Washington, DC 20503

Re: Docket ID: EPA-HQ-OPPT-2005-0049
Clearance for Carpeting

NCHH is pleased to submit these comments regarding EPA's proposed Renovation, Repair and Painting Rule. Specifically, these comments focus on EPA's requirements with respect to interior renovation, repair, and painting events in rooms with carpeting.

As EPA notes in the preamble to the proposed rule, when EPA adopted its lead-dust hazard standards in 2001, "EPA estimated that approximately 54 million housing units built prior to 1978 contained some wall-to-wall carpeting and, of these, 47 million had such carpeting in living rooms and 46 million in bedrooms (i.e., rooms in which children reside and play frequently)."¹ According to the 2003 American Housing Survey, there are more than 82 million homes in the United States built before 1980.² Therefore, 66% of all pre-1980 homes have some wall-to-wall carpeting.³ More than 56% have wall-to-wall carpeting in their bedrooms or living rooms.⁴

With two out of three homes impacted by EPA's decision, NCHH believes that it is imperative that EPA seriously consider the ramifications of its requirements for carpeting. If lead hazards remain on carpeting after interior renovation, repair, and painting projects, children may be lead poisoned.

Work Area Protection:

NCHH agrees with EPA's decision to require in § 745.85(a)(2)(i)(A) the removal of "all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic

¹ U.S. EPA, "Lead; Renovation, Repair and Painting Program; Proposed Rule", January 10, 2006 *Federal Register*, Vol 71, pages 1587 to 1636, Docket #EPA-HQ-OPPT-2005-0049-0001. See page 1615.

² U.S. Census Bureau, "American Housing Survey for the United States: 2003" Page 17, Table 1A1

³ 54 million divided by 82 million is 66%.

⁴ 46 million divided by 82 million is 56%.

sheeting or other impermeable material with all seams and edges taped or otherwise sealed” for interior renovations.⁵ These are important precautions to take.

Visual Inspection:

NCHH supports EPA’s decision in § 745.85(b)(1)(i) to require that “[a] certified renovator must perform a visual inspection to determine whether visible amounts of dust, debris or residue are still present. If visible amounts of dust, debris or residue are present, these conditions must be eliminated by re-cleaning and another visual inspection must be performed.”⁶

EPA acknowledges that “a visual inspection, while less expensive and less time-consuming than dust clearance sampling, does not provide sufficient assurance that the renovation activities have not increased the potential for exposure to lead-based paint hazards. Recent studies indicate that visual inspection alone is not a reliable and effective method for identifying the presence of a lead-based paint hazard after cleaning.”⁷

NCHH agrees with EPA’s statement. NCHH’s study in Baltimore showed that visual inspections are not reliable.⁸ NCHH’s contractors double-checked the visual inspection performed by a person hired by the renovation contractor. NCHH found that 67% of the visual inspections that initially passed actually failed when checked more carefully. Visual inspections are simply too subjective to be of value.

Clearance Examination:

Despite EPA’s concession that “a visual inspection alone is not a reliable and effective method for identifying the presence of a lead-based paint hazard after cleaning,”⁹ EPA does not require anything more on carpets. EPA’s proposed rule provides no assurance that homes with wall-to-wall carpeting in and around the work area will not have lead hazards. With more than 56% of bedrooms having wall-to-wall carpeting, EPA’s omission is serious.

Clearance examinations for carpeting are a critical component of any effort to protect children from hazards created by renovation, repair and painting. NCHH’s analysis of the National Evaluation shows that 8% of all interior carpets failed clearance testing after cleaning.¹⁰

EPA stated that it “is not proposing that the “white glove” cleaning verification protocol be used on carpets after they have been cleaned using a HEPA-equipped vacuum equipped with a beater bar. EPA did not verify use of the “white glove” protocol on carpets.”¹¹

NCHH agrees that EPA’s White Glove Study did not address carpeting. It did not address uncarpeted floors that were in poor condition either. And the Study never evaluated the specific

⁵ Supra note 1 at 1630.

⁶ Id.

⁷ Id at page 1613.

⁸ 760 Final Report

⁹ U.S. EPA, “Lead; Renovation, Repair and Painting Program; Proposed Rule”, See page 1613.

¹⁰ Based on Dr. Sherry Dixon’s March 31, 2006 analysis of the data.

¹¹ Id at page 1615.

protocol EPA adopted in the proposed rule. NCHH believes that the lack of information regarding the White Glove Test on carpeting is a compelling reason to keep the current regulations that establish clearance testing, which uses a visual assessment with a dust-wipe sampling method, as the best way to determine if cleaning has been adequate. The literature shows that dust wipe sampling on carpets is significantly correlated with children's blood lead levels,¹² which indicates that this method is able to collect the biologically relevant fraction of lead-contaminated dust. EPA adopted those requirements through an extensive review and comment process and carefully considered the issue then. It should not dismiss them arbitrarily now.

EPA based its decision to eliminate dust-wipe clearance testing on carpets based on concerns that it had when it proposed the definition of lead hazards. But EPA resolved these concerns when it finalized those standards on January 5, 2001. In the five years since those standards were finalized, dust-wipe sampling has become a routine part of assessments for lead hazards and for clearance. It is consistently used on carpeted floors in federally assisted housing covered by 24 CFR 35 and others.

EPA claims that the “decision to apply the clearance standard to carpeted floors ultimately had little consequence, given the context in which clearance standards are used--namely, to ensure that sufficient cleanup has been performed after an abatement. Typically, in abatement situations, carpets that are in poor condition or are known to be highly contaminated are removed and disposed of. Where carpets are not replaced, they are cleaned according to specified criteria (Ref. 27). In general, carpets are acknowledged to be potential traps of leaded dust and great care is taken to replace or thoroughly clean them in order to ensure that, once the abatement is concluded, the housing unit is cleanable so that the benefits of the abatement will continue as long as routine cleaning is performed. Consequently, EPA believes that it is this special attention to carpets that ensures that they are sufficiently clean, rather than reliance upon only a post-abatement wipe clearance sample.”¹³

Unfortunately, EPA's reasoning narrowly focuses only on abatement and it does not provide any means to determine if carpets are “sufficiently clean.” This difference will create confusion in the industry, because contractors will have no way of determining when they have cleaned sufficiently. EPA ignores the fact that HUD's rules adopted the dust-wipe clearance standards for carpets. The HUD rules apply to the same types of renovation, repair and painting activities that EPA's proposed rule addresses.

NCHH believes that EPA needs to require a dust-wipe clearance on all floors, including carpeted floors.

¹² LANPHEAR BP, EMOND M, JACOBS DE, WEITZMAN M, ET AL. 1995. A SIDE-BY-SIDE COMPARISON OF DUST COLLECTION METHODS FOR SAMPLING LEAD-CONTAMINATED HOUSE DUST. ENVIRON RES 68(2): 114-123.

¹³ Id.

Please contact me at 410.772.2774 or rmorley@centerforhealthyhousing.org to discuss these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "RMorley", enclosed within a light blue rectangular border.

Rebecca Morley
Executive Director