Congress of the United States
Washington, DC 20510

July 24, 2006

The Honorable Steven Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:

We are writing to request additional information about the timing for completing the Lead Renovation, Repair and Painting final rule. According to *Inside EPA*, the National Association of Home Builders website, and Realtor Magazine Online, the Environmental Protection Agency (EPA) is considering delaying the final rule by an additional year while conducting additional studies to support the rule. Based on conversations we have had with non-governmental organizations, we understand that the rulemaking may not be completed until December 2007.

Such a delay would be clearly unacceptable to us. The children of our country deserve to be protected from the hazards of lead. It is already unconscionable that this rulemaking has languished for the past 14 years. We want to ensure that a comprehensive, maximally protective rule is completed as expeditiously as is possible.

Moreover, it is not clear what any such delay would accomplish. In their comments on the proposed rule, industry interests have claimed that EPA does not have sufficient information to support certain proposed protections against lead contamination and have called for additional studies to be conducted prior to adoption of such protections. Yet EPA has been conducting studies and gathering data to support this rule for over a decade. More studies and more delay appear unlikely to result in any additional protection of public health or a significantly more cost-effective regulation.

We request that you respond to the following questions about the apparent delays in the lead renovation rulemaking:

- Is EPA considering conducting additional studies in support of this rulemaking?
- What portions of the rulemaking will the additional studies support?
- Are there equally or more protective methodologies or technologies for which EPA already has sufficient supporting data, but which the agency did not propose in an attempt to minimize the costs of the rule to industry?

- What information does the agency staff believe it needs in order to support a final rule that it did not need to write the proposed rule? Has every step been taken to ensure the data/information does not already exist?

- If EPA plans to conduct additional studies, please detail each such proposed study, including the timing and cost.

- Has EPA met with officials from industry who urged the Agency to delay the rulemaking through additional studies or other actions? If so, please provide the dates and attendees at those meetings, and describe the requests made in such meetings.

- When does EPA plan to complete the rulemaking?

We request a response to these questions by July 31, 2006. Thank you.

Sincerely,

Barack Obama
United States Senator

Barbara Boxer
Ranking Minority Member
Subcommittee on Superfund
and Waste Management
Committee on Environment
and Public Works
U.S. Senate

Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
U.S. House of Representatives