



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 07 2019

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Response to the Office of Inspector General Final Report: "EPA Not Effectively Implementing the Lead-Based Paint Renovation, Repair and Painting Rule" (Report No. 19-P-0302, September 9, 2019)

FROM: Susan Parker Bodine *Susan Parker Bodine*

TO: Jeffrey Harris, Director
Toxics, Chemical Management and Pollution Prevention Directorate

The Office of Enforcement and Compliance Assurance (OECA) has reviewed the Final Report, "EPA Not Effectively Implementing the Lead-Based Paint Renovation, Repair and Painting Rule," and provides the attached proposed corrective action plan to resolve Recommendations 1 through 4. OECA believes the activities offered in the proposed corrective action plan will provide additional commitments that will address the concerns raised by the Office of Inspector General.

We appreciate the opportunity to review the Final Report and offer additional ways to improve the Lead-Based Paint Renovation, Repair and Painting Rule program. If you have any questions or concerns regarding this response or the attached proposed corrective action plan, please contact the OECA Audit Liaison, Gwendolyn Spriggs, at (202) 564-2439.

cc: Larry Starfield, OECA
Rosemarie A. Kelley, OECA/OCE
David Hindin, OECA/OC
Jeff Morris, OCSPP/OPPT
Gwendolyn Spriggs, OECA/OAP

Proposed Renovation Repair Paint (RRP) Corrective Action Plan

OIG Recommendation	Lead Office	Target Date	Proposed Corrective Action
1. Identify the regulated universe of Lead-Based Paint Renovation, Repair and Painting Rule firms in support of regional targeting strategies, in coordination with the Office of Chemical Safety and Pollution Prevention.	OECA	December 31, 2021	OECA, in coordination with OCSPP, will develop a targeting strategy that will include a geospatial-based model to assist the Regions in identifying “areas of concern for lead exposure in general” along with any guidance on how to identify firms within this area. ¹
2. Establish Lead-Based Paint Renovation, Repair and Painting Rule enforcement objectives, goals and measurable outcomes.	OECA	July 1, 2021	OECA, in collaboration with the EPA Regions, will evaluate the Lead-Based Paint Renovation, Repair and Painting Rule compliance monitoring and enforcement program to determine appropriate refinements to existing program objectives to help OECA set enforcement goals and measurable outcomes for FY21, consistent with the OECA National Program Guidance.
3. Establish management oversight controls to verify that Lead-Based Paint Renovation, Repair and Painting Rule program guidance and expectations are being met; this may also involve specific reporting requirements for regions and authorized states and tribes.	OECA	a. May 1, 2020 b. May 1, 2020	a. OECA will use existing frameworks for reviewing activities to ensure program expectations are being met. OECA will incorporate RRP-related activities and outcomes into existing routine reporting and review activities. b. OECA will evaluate information provided through enforcement data systems and annual reports received from grantees and establish an annual analysis to verify that Lead-Based Paint, Renovation, Repair and Painting Rule

¹ OECA agrees with the OIG that for effective compliance monitoring targeting it is very helpful to know the universe of regulated entities and its details. This is generally noted in the TSCA CMS; however, it may not always be possible to have this detailed universe information for all programs such as the lead-based paint RRP. The universe for the lead-based paint RRP can be best characterized as a transient, unpermitted universe comprised mainly of small businesses. The universe is constantly changing making it virtually impossible to track at any point in time. An effective targeting strategy for a universe of this nature is to identify “areas of concern” then identify potential lead-based paint RRP businesses operating within that area.

			program guidance and expectations are being met.
4. Establish or identify an effective forum to document and share best practices and innovations related to the Lead-Based Paint Renovation, Repair and Painting Rule Program.	OECA	May 1, 2020	OECA will establish a shared site as an additional forum to share practices and innovations related to the Lead-Based Paint Renovation, Repair and Painting Rule Program. OECA will also include discussion of Lead-Based Paint Renovation, Repair and Painting Rule program practices in regular coordination meetings with the EPA Regions.