

Reps. Horn, Stamas, Agema, Crawford, Hansen, Rogers, Ball, Daley, Kurtz, Mayes, Meekhof, Polidori and Walsh offered the following resolution:

House Resolution No. 297.

A resolution to urge the EPA to rescind its amendment to the Lead Renovation, Repair and Painting Rule that removes the opt-out provision for residences and buildings that pregnant women or children under age 6 do not live-in or frequent.

Whereas, The U.S. Environmental Protection Agency (EPA) comprehensively addressed the potential health hazards to children under age 6 and pregnant women exposed to lead-based paint in homes or buildings built before 1978 in a rule promulgated in 2008. These regulations mandate the techniques and equipment to be used in the renovation, repair, and painting of residences and buildings lived-in or frequented by children and pregnant women; and

Whereas, The original rule included a provision allowing the owners of owner-occupied residences to opt out or waive the additional requirements on contractors performing the work if no children under age 6 or pregnant women live-in or frequent the home. This waiver was to be kept on file by the remodeling contractor for a period of at least 3 years; and

Whereas, The EPA announced a change to the final rule eliminating the opt out provision in May 2010 with an effective date of July 6, 2010. In reaching the decision to remove the opt out provision, the EPA did not adequately consider other alternatives. One such alternative would be to enhance home owner disclosure requirements to include documentation of renovations conducted under an owner waiver of the rule requiring use of lead-safe practices during the renovation; and

Whereas, Older homes are in demand by consumers for many reasons, including their cost, location, and unique architectural features. Home buyers consider these homes to be "diamonds in the rough" with tremendous potential when restored or remodeled. Owners and buyers interested in these properties are knowledgeable about what they will find inside and outside these properties and what needs to be done to upgrade the homes to meet today's building standards. It is their choice to invest in these homes; and

Whereas, Extensive training, certification, and recordkeeping requirements are imposed on contractors under the Lead, Renovation, Repair and Painting Rule. These requirements add costs to the total bill for each renovation project. Training and certification requirements will limit the pool of contractors qualified to conduct renovation projects under this rule. In these difficult economic times, limited resources need to be focused on preventing harm from the clear and well-documented hazards of lead exposure to children under age 6 and pregnant women; now, therefore, be it

Resolved by the House of Representatives, That we urge the EPA to rescind its amendment to the Lead Renovation, Repair and Painting Rule that removes the opt-out provision for residences and buildings that pregnant women or children under age 6 do not live-in or frequent; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Administrator of the U.S. Environmental Protection Agency.