



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

OCT 22 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Rebecca Morley
National Center for Healthy Housing
10320 Little Patuxent Parkway, Ste. 500
Columbia, MD 21044

Mr. Patrick MacRoy
Alliance for Healthy Homes
50 F St., NW, Ste. 300
Washington, DC 20001

Mr. Tom Neltner
Sierra Club
408 C St., NE
Washington, DC 20002

Dear Ms. Morley, Mr. MacRoy, and Mr. Neltner:

On August 10, 2009, the Environmental Protection Agency (EPA or Agency) received your petition requesting that EPA take action to lower EPA's regulatory lead hazard standard for lead in dust and modify EPA's regulatory definition of lead-based paint. Your petition requested relief under Section 21 of TSCA¹ or, if appropriate, under Section 553(e)² of the Administrative Procedures Act (APA).

Lead poisoning prevention is a priority for EPA. More recent epidemiological studies indicate that the current hazard standards may not be sufficiently protective. The Agency believes that its efforts should be based on current science. Thus, after careful consideration, EPA has decided to grant your request and intends to begin an appropriate proceeding. Although EPA has granted your request, the Agency is not committing to a specific rulemaking outcome – including the specific level of the lead-dust hazard standard – or to a certain date for promulgation of a final rule. EPA is granting this request under section 553(e) of the Administrative Procedures Act (APA) after concluding that proceeding under Title IV of the Toxic Substances Control Act (TSCA) is more appropriate and that the request is outside the scope of Section 21 of TSCA.

Additionally, because the Secretary of Housing and Urban Development (HUD) has the statutory authority to establish a lower level of lead in paint for purposes of the definition of lead-based paint in target housing, EPA will work with HUD on this aspect of your request.

¹15 U.S.C. § 2620

²5 U.S.C. § 553(e)

Should HUD make revisions to the definition of lead-based paint in target housing, EPA intends to coordinate accordingly. It is, nonetheless, EPA's intention to initiate appropriate proceedings regarding the definition of lead-based paint in non-target housing.

Thank you for your continued interest in the Agency's efforts to reduce lead exposures. If you have any questions relating to your petition, please contact Jacqueline Mosby of my staff at (202) 566-2228.

Sincerely,

A handwritten signature in black ink, appearing to read "S. A. Owens". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Stephen A. Owens
Assistant Administrator