


FACT SHEET

PROPOSED RULE ON THE MANAGEMENT AND DISPOSAL OF LEAD-BASED PAINT DEBRIS

What Is This Rule Proposing?

The Environmental Protection Agency (EPA) is proposing to suspend current hazardous waste management requirements for disposal of lead-based paint (LBP) debris and allow disposal of LBP debris in construction and demolition (C&D) landfills. EPA analysis found disposal in C&D landfills to be safe (i.e., protective of human health and the environment) and less costly than disposal in other types of landfills.

What Is LBP Debris?

LBP debris is any component, fixture, or portion of a residence or other building coated wholly or partly with LBP. LBP debris can also be any solid material coated wholly or partly with LBP resulting from a demolition. Examples include ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, shelves, and radiators and other heating units.

Why Is This Rule Needed?

Lead exposure to children remains a concern in the United States because children absorb lead more readily than adults and their nervous systems are particularly vulnerable to the effects of lead poisoning. Common sources of lead exposure include contaminated dust and paint chips from deteriorated LBP in older homes and activities that disturb LBP. It is estimated that more than half of the housing stock in the United States contains some LBP. Abatements, renovations, and remodeling activities in homes with LBP can generate large quantities of LBP debris. This LBP debris can be costly to manage and dispose of under current hazardous waste management requirements.

To reduce costs and remove obstacles associated with disposal of LBP debris, EPA is proposing this rule to shift the regulations for management and disposal of LBP debris from the Resource Conservation and Reservation Act (RCRA) to a tailored program under the Toxic Substances Control Act (TSCA). By allowing LBP debris to be disposed of in a less-costly manner, the Agency hopes the new TSCA standards will hasten the pace with which LBP and LBP hazards are removed from residences and public and commercial buildings. EPA believes that the disposal of LBP debris in C&D landfills is protective of human health and the environment.

Who Is Affected By This Rule?

This rule covers persons and firms who renovate, remodel, demolish, abate, or delead residences or public and commercial buildings or transport LBP debris. Examples include renovation or abatement contractors and construction and demolition professionals.

What If I Perform Work In My Home?

If you perform work in your home, you can treat and dispose of LBP debris as solid waste under the household hazardous waste exclusion. In other words, you are not subject to current RCRA toxicity characteristic determinations and disposal standards nor will you be subject to the new proposed TSCA standards. Examples include do-it-yourselfers who remodel or renovate their homes.

What Are The Proposed Disposal Options For LBP Debris?

The new TSCA standards, if finalized, would allow LBP debris to be disposed of in:

- A C&D landfill;
- A landfill receiving hazardous waste from conditionally exempt small quantity generators (CESQG) but not receiving municipal solid waste;

- A hazardous waste disposal facility; or
- A RCRA hazardous waste incinerator.

The proposal would not allow the disposal of LBP debris in municipal solid waste landfill facilities (MSWLF) although the proposal asks for comment on this. Based on currently available data, the Agency believes that C&D landfills do not leach lead as aggressively as landfills with common garbage found in MSWLFs.

FOR MORE INFORMATION

- For general information on lead-based paint and lead-based paint hazards, call the National Lead Information Center at 1-800-424-LEAD (5323).
- The Federal Register notice and this fact sheet are available in electronic format on the Internet through the EPA Public Access Server. The notice is available at www.epa.gov/fedrgstr. This fact sheet and other documents related to this rule are available at www.epa.gov/lead. For additional information or to order paper copies of any documents, call the National Lead Information Center at 1-800-424-LEAD (5323). You may also obtain information by calling the RCRA Hotline: callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460.
- Submit written comments, in triplicate, by mail to: TSCA Public Docket Office, (7407), docket number OPPTS-62160, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW, Rm G099, East Tower, Washington, DC 20460. The public must send an original and two copies. Each comment must bear the docket control number OPPTS-62160.
- Comments and data may also be submitted electronically to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-62160. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. No confidential business information (CBI) should be submitted through e-mail.
- All comments, which contain information claimed as CBI, must be clearly marked as such. Three copies, sanitized of any comments containing information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.