

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2561 Rayburn House Office Building
Washington, DC 20515-6515

August 3, 2023

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1700 G Street N.W.
Washington, D.C. 20552

Dear Administrator Regan:

The House Committee on Small Business writes to inquire about the Environmental Protection Agency's (EPA) recent proposed rule change to dust-lead hazard and clearance standards. This proposed rule would set the dust-lead hazard standard to any level above zero $\mu\text{g}/\text{ft}^2$ and reduce the threshold for dust-lead clearance levels by between 66 and 93 percent, depending on the location.¹ This rule would force thousands of small businesses to engage in an expensive EPA approved cleaning process.² It appears that the EPA may not have properly considered small entities during this rulemaking process.

It is important for agencies to correctly evaluate small businesses interests, which make up 99.9 percent of all businesses in the United States, when passing any new rule. America's small businesses deserve to have their voices heard and considered. We therefore request the following information as soon as possible but no later than August 17, 2023:

1. What is the average cost of lead removal for a small business?
2. What additional criteria must lead removal specialists satisfy to comply with this rule?
3. How will the EPA or inspectors go about determining the source of lead exposure when a minor is found with elevated Blood Lead Levels?
4. This rule indicates that a substantial portion of the regulatory costs would be incurred by landlords, to that end:
 - a. Has the EPA performed an analysis on how this rule may impact the rent charged by landlords on small businesses?

¹ Pre-Publication Notice, U.S. Env'tl. Protection Agency, Reconsideration of the Dust-Lead Hazard Standards and Dust Lead Post-Abatement Clearance Levels (Jul. 12, 2023) (to be codified at 40 CFR 745).

² *Id.* at 13.

The Honorable Michael S. Regan

August 3, 2023

Page 2 of 2

- b. Has the EPA performed an analysis on whether the potential rent increases associated with the cleanup process would have a notable impact on demand for smaller landlords?
5. What alternatives have been considered to lessen the impacts on small businesses?
6. When does the EPA intend to make this rule available either through the Federal Register or Regulations.gov?
 - a. The EPA is allowing 60 days for public comment on this proposal; has the EPA begun this comment period?

To schedule the delivery of your response or ask any related follow-up questions, please contact Committee on Small Business Majority Staff at (202) 225-5821. The Committee on Small Business has broad authority to investigate “problems of all types of small business” under House Rule X. Thank you in advance for your cooperation with this inquiry.”

In God We Trust,



Roger Williams
Chairman
Committee on Small Business



Jake Ellzey
Member of Congress
Committee on Small Business



Aaron Bean
Member of Congress
Committee on Small Business

cc: The Honorable Nydia M. Velasquez, Ranking Member
Committee on Small Business