

EPA Seeks to Strengthen Dust-Lead Hazard Standards

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On June 22, 2018, the EPA announced a proposal to strengthen the dust-lead hazard standards for lead dust on floors and window sills. The proposed rule, issued pursuant to the Toxic Substances Control Act, seeks to lower the dust-lead hazard standards from $40 \mu\text{g}/\text{ft}^2$ for floors to $10 \mu\text{g}/\text{ft}^2$ and from $250 \mu\text{g}/\text{ft}^2$ for window sills to $100 \mu\text{g}/\text{ft}^2$. The proposed standards would apply to residential dwellings and child-occupied facilities, such as schools and day care centers, and would not apply to industrial facilities.

The proposed rule was issued in response to the U.S. Court of Appeals for the Ninth Circuit's decision in *In re A Community Voice v. EPA*, No. 16-72816, (9th Cir. 2017), in which environmental groups sought to compel the EPA to act upon a rulemaking petition concerning dust-lead hazard and lead paint standards. The court directed EPA to reevaluate the risks from lead-based paint and to issue a proposed rule that revises the hazard standards for household dust containing lead. Under the court's decision, EPA must finalize the rule within one year after issuing the proposed rule.

EPA has requested public comments on the achievability and appropriateness of the proposed dust-lead hazard standards, including whether the standards should remain at the current levels. All comments on this proposed rule must be received on or before August 16, 2018.

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