



**Window & Door
Dealers Alliance**

**Meeting with the Office of Information and Regulatory Affairs
WDDA Talking Points EPA on Lead Clearance Testing
May 17, 2011**

**Jim Lett, President and Owner
A.B.E. Windows and Doors**

My name is Jim Lett. I am president of A.B.E. Doors & Windows, a residential and commercial door and window replacement business based in Allentown, PA. We have 20 employees. As an aside, I was trained and certified under the Lead Paint RRP rule even before it took effect last year. My firm was one of the first to carry that designation.

It is my understanding that the EPA is considering adding a dust wipe testing requirement to the current LRRP rules. If that is the case, please reconsider. I mention this for several reasons. First of all, since implementation of lead safe work practice rules took effect we have seen a 41% decline in window sales volume. That's right, a 41% decline! Secondly, the EPA initially said it would only cost about \$35 per project to follow lead safe work practices. This is simply not true. We have found that it adds approximately \$1,200 to \$1,600 per household to replace their windows due to the added burden of following LRRP regulations. Third, there are many firms not following lead safe work practices either by ignorance or willful disregard of the law and EPA does not have the manpower to effectively police the regulations already in place. Research indicates that dust clearance testing will add another \$500 to the cost of following lead safe work practices. That would bring the compliance cost to \$1,700 to \$2,100 just to follow lead safe work practices -- not including any product or installation labor! This is a crushing burden to senior citizens and families trying to make their homes more energy-efficient.

I don't mind playing by the rules but I'm afraid the unintended consequences of the law are one of three things. 1. Homeowners are hiring unscrupulous contractors, 2. Homeowners are doing the work themselves or 3. They are not going to replace the windows. All three of these scenarios subject the homeowners to a higher risk of lead poisoning and adding more costs will only exacerbate the problem.

Please understand this; no one wants to see anyone harmed by the effects of lead based paint. I have two young grandchildren and a third on the way. I treasure them and would not want to see them harmed in any manner. I have taken my responsibilities seriously. My firm is EPA-certified. I have taken the eight-hour class and so has every one of my technicians, sales and management staff.

Rather than forging ahead with dust wipe testing, let's take a step back and monitor the statistics to see if LRRP rules already in place are being effective. Let's actively enforce the current regulations and go after firms that are not following them. Let's not put any additional burden on the home owners and small business community unless it can be proven that it is absolutely necessary.

Thank you for your time and consideration.

Beth Cantrell, Owner
Better Windows by Beth

Hello. My name is Beth Cantrell. I own a small business in the residential window and door replacement industry. We are located in Chantilly, VA. I employ 5 professionals.

As an EPA lead certified contractor, Better Windows by Beth, Inc. has been replacing Windows and Doors in the Northern Virginia area for over 14 years. I am sure you have heard many times, from many contractors, that this recession has been incredibly debilitating for business and personal life.

The economic downturn, particular in the housing market, has been devastating. The first four months have been particularly trying. Either the phone has simply not rung, or the size of the jobs we've gotten has been very small. It's the worst I've ever experienced in the industry.

The existing EPA RPP requirements have made it significantly more difficult. I am convinced that our drop in sales is directly attributed to the lead safe installation requirements. My company has lost more work since April 22, 2010 than I wish to mention, and this is a direct result of this EPA law. The extra cost has to be passed on to the consumer, which is making many home improvements now completely out of the peoples' reach. Consumers either do not want to hassle with the requirements of the RRP rule, are reluctant to pay the added installation costs for the new requirements, or they do the work themselves to dodge the costs.

The reduction of the tax credit as well as the additional lead installation costs have made it detrimental to everyone involved -- business and consumer.

What I struggle with most is my understanding that this Administration is eager for homeowners to employ energy efficient measures such as window and door replacement to reduce energy consumption and lower our overall carbon footprint. But they've enacted onerous rules that are having the exact opposite effect!

Now comes along yet another new rule attached to the EPA RRP rule: the Lead Clearance Testing Rule. By EPA's own admission, the added cost is \$250 per administered test per room. Of course, this is a very low, conservative estimate; but let's assume they're right. Many of the projects we do cover four or more rooms. This rule would add at least \$1,000 to the cost of those jobs, right off the bat! Can you see how this would cause problems for our business?

Now, that said, I do understand the EPA's health concerns for my customers and employees regarding the lead paint. Believe me, I share those concerns. That's why I was one of the first to be EPA-trained and certified under the RRP rule.

However, I believe the EPA needs to relax the requirements of the current rule. The opt-out provision that was deleted only 6 weeks after April 22, 2010 should be reinstated as policy.

Homeowners most affected by the prospects of lead poisoning should be subject RRP.

Here is one example I recently ran into, from a job we bid on. In that 180 ft job, we would be disturbing less than ½ inch of an area that might be subject to lead poisoning. Yet we have to treat the entire 180 feet equally. The work involved, which the customer has to pay for, is absolutely ridiculous. Better Windows could have used duct tape and a water sprayer, and not created a single bit of lead dust. Yet we have to waste an incredible amount of plastic and other materials that end up in the local landfill for years to come.

I am asking that you take into account the economic recovery of our country and take a good hard look at what the EPA and our government is requiring of our businesses. Modify the RPP to allow certain consumers to opt-out, and stand down from adopting another rule that will undoubtedly kill jobs while providing little or no health benefit.

Legitimate contractors such as Better Windows will continue to abide by the RRP rule and discuss with our potential customers the dangers of lead paint, and will operate these lead safe installation practices with professionalism.

Again, I share some of the EPA's health concerns. But there is a much better way to achieve real results: Opt-out would help tremendously. Avoiding new rules that have little benefit is equally essential.

Thanks for your time and opportunity to give input.

**Charlie Dorsey, Sales Manager
Gorell Window and Doors**

My name is Charlie Dorsey, I represent Gorell Windows and Doors, a vinyl replacement window manufacturer in Indiana, PA. Good morning and thank you for this opportunity to address the panel on our industry's concerns over the implementation of lead clearance testing.

Gorell Windows and Doors represents approximately 400 green jobs in the heartland of Pennsylvania. We are a 40 million dollar company with over 1900 dealers in 40 states. Gorell is the recipient of the Energy Star Partner of the year award for seven years in a row and a sustained excellence award winner for three consecutive years. Our products are Green Seal Certified and as a Green manufacturer we have committed to reduce our carbon footprint by 25% over the next five years. Our business is a perfect model of President Obama's vision of green jobs in America. Ladies and Gentlemen, We can! But we can't. I will briefly explain the contradiction.

2010 was our best year since 2007, prior to the recession. In large part our recovery was due to the Energy Tax Credit. We added 50 additional jobs in the third and fourth quarters of last year. Since the expiration of the tax credit at year end we are left with only the hang-over of the LRRP implementation. The added costs of compliance and implementation of the Rule to our dealers

has resulted in substantial increases in project costs to consumers. What has become evident is that many consumers are not willing to absorb the additional costs and in many cases they elect not to have the work done.

Moving forward to 2011 Gorell Windows and Doors has realized a 15 to 20 percent reduction in orders, we have laid off those 50 workers and are planning an additional 30 lay-offs this month. Our 9 Regional Sales Managers in the field are in constant contact with our dealers, their sales managers and sales people. This group represents over 4000 people engaged in the process of educating homeowners and distributing the awareness pamphlets during the replacement window sales process. The number one reason cited for the reduction in business by our dealers is LRRP.

Here's the bottom line, the EPA's awareness campaign for contractors prior to implementation of the rule was a disaster. Contractors don't read the Federal Register. Contractor training, certification and compliance to the rule at the time of implementation revealed a very disappointing number of contractors "ready to go". Additionally, there is a vast number of contractors who are still working under the radar in pre-1978 homes who are not in compliance.

The EPA's step number one, certification and compliance to the Rule has not been adequately achieved, How can we so quickly move to step number two? Lead Clearance Testing.

The problem is two-fold. One, the Rule is flawed. It's impossible to safely and absolutely achieve the goal with the prescribed methods in every situation. secondly, the costs involved with performing the prescribed methods due to inefficiencies and encumbrances are paramount.

The solution, let our industry's experts find the answers that lead to a better way to achieve the goal of stopping lead dust poisoning. Let American ingenuity work. The Window and Door Dealers Alliance in cooperation with American Architectural Manufacturers Association are willing ready and able to develop workable, economical and efficient methods of achieving the goal without the monetary impact to the consumer. We need to bend the Rule, not break it. Together government and industry can achieve the desired results in a manner that removes the barriers currently in our way.

**David Sakin, Owner
Premier Window & Building, Inc.**

Hi, my name is David Sakin. I own a Home Remodeling Company in Baltimore and have been in business 27 years. We are complying with RRP Regulations. It has raised the price of windows and doors from 10 - 15% to the home owners.

I am very concerned with these new proposed regulations. If third party verification was required the cost of a window installation on pre 1978 houses would increase about 30% that would be passed on to the home owners. This increase would make the projects very costly and there would be no return for the home owners on the increased cost.

I feel many home owners with pre 1978 homes would not spend the money. If this happens, our business would decrease about 40% (that is the number of homes that we improve that were built before 1978). I would anticipate layoff of office staff, sales estimators and installers. This would also affect the window manufacturers and all their related employees and the entire industry: truck drivers, service workers, building supply houses, advertisers, etc. Any hopes of a small contractor recovering from the current economic situation would be gone.

Unfortunately the pre 1978 houses would continue to have old, inefficient, leaky windows which might never be replaced due to the high cost. The added work cost of dealing with the third party verification may even prevent us from doing any work on homes built before 1978. I anticipate that if home owners want to replace their windows on pre 1978 homes, they will seek out unlicensed contractors who are not certified. This would be a very unfortunate situation. I do not understand how the third party verification would help protect the public if we have already been trained to detect the lead and are taking the proper steps to protect the home owners. Testing after the job is complete would just frustrate and injure the window industry and the home owners.