

MEMORANDUM OF UNDERSTANDING
between the
U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 1, New England
and the
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Region 1, New England

I. Purpose

The purpose of this interagency Memorandum of Understanding (MOU) is to expand the working relationship between Region 1, New England of the United States Environmental Protection Agency (EPA) and Region 1, New England of the Occupational Safety and Health Administration (OSHA) of the Department of Labor (collectively, the Parties or Agencies). The goal of the Agencies in entering into this MOU is to improve and optimize the combined efforts of the Parties to achieve protection of workers, the public, and/or the environment at facilities subject to EPA and/or OSHA jurisdiction.

This MOU will establish a process and framework for notification, training, consultation, and coordination between EPA and OSHA to more effectively support the Agencies' enforcement programs. In particular, improved coordination should help (1) OSHA enforce the Occupational Safety and Health Act (OSH Act) and undertake special enforcement initiatives, such as OSHA's Lead in Construction standard (29 CFR 1926.62), and (2) EPA enforce the Lead-Based Paint Renovation, Repair, and Painting Rule (RRP), and 40 C.F.R. Part 745, Subpart E.

II. Background and Responsibilities

EPA and OSHA have the statutory responsibility to ensure the safety and health of the public and America's workforce through the timely and effective implementation of a number of federal laws and implementing regulations. In some areas, the responsibilities of the Agencies are separate and distinct. In others, they are complementary. EPA and OSHA wish to work together to maximize the efforts of both Agencies to ensure the efficient and effective protection of workers, the public, and/or the environment.

A. EPA Responsibilities

EPA responsibilities include the protection of public health and the environment by pursuing compliance with federal environmental statutes and regulations, including, among others, the Toxic Substances Control Act (TSCA). Under the authority of section 402(c)(3) of TSCA, EPA published rules to address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in target housing and child-occupied facilities. "Target housing" is defined in TSCA section 401 as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless any child under age 6 resides or is expected to reside in such housing) or any 0-bedroom dwelling. The RRP rule establishes requirements for, among other things, lead-safe work practices, the procedures for firms and individuals to become RRP certified, and for the EPA accreditation of training providers who will develop certification and refresher courses for renovators. EPA is also

