

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 26, 1999.

**Peter Caulkins,**

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

**§ 180.1020 [Amended]**

2. In § 180.1020, by amending paragraph (b) by changing the date “1/31/00” to read “7/31/01”.

[FR Doc. 99–20318 Filed 8–5–99; 8:45 am]

BILLING CODE 6560–50–F

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 745**

[OPPTS–62128C; FRL–6097–5]

**RIN 2070–AC64****Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Certification Requirements and Work Practice Standards for Individuals and Firms; Amendment**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is amending the procedural requirements for training and certification of workers involved in lead-based paint activities in target housing and child-occupied facilities by extending the effective dates for certification of individuals and firms and use of work practice standards that are contained in the final regulations promulgated under section 402 of the Toxic Substances Control Act (TSCA). The extension applies only in those States and Indian Tribes where EPA is operating the Federal lead-based paint program. EPA is extending these effective dates in order to provide additional time for individuals to become trained and certified to conduct lead-based paint activities safely, reliably, and effectively. EPA believes

that the extension of the effective dates will result in successful implementation of the Federal program and ensure the availability of a well-qualified workforce to perform risk assessments, abatements, and other lead-based paint activities.

**DATES:** This action is effective on August 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Ellie Clark, National Program Chemicals Division, Office of Pollution Prevention and Toxics (7404), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 202–260–3402; fax number: 202–260–0770; e-mail address: clark.ellie@epa.gov.

For general information contact: Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: 202–554–1404 and TDD: 202–554–0551; e-mail address: TSCA-Hotline@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. Does this Action Apply to Me?**

You may be potentially affected by this action if you operate a training program required to be accredited under 40 CFR 745.225, or if you are a professional, individual, or firm who must be certified to conduct lead-based paint activities in accordance with 40 CFR 745.226. Potentially affected categories and entities may include, but are not limited to:

Type of Entity	SIC Code	Examples of Entities
Lead abatement professionals	1799, 8734	Workers, supervisors, inspectors, risk assessors and project designers engaged in lead-based paint activities. Firms engaged in lead-based paint activities.
Training programs	1799, 8331, 8742, 8748	Training programs providing training services in lead-based paint activities.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed above could also be affected. The Standard Industrial Classification (SIC) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business are affected by this action, you should carefully examine this action and the applicability provisions in 40 CFR part 745, subpart L. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the “FOR FURTHER INFORMATION CONTACT” section.

**II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?**

1. *Electronically.* You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select “Laws and Regulations” and then look up the entry for this document under the “Federal Register-- Environmental Documents.” You can also go directly to the “Federal Register” listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–62128B. The official record consists of the documents specifically referenced in this action and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

### III. What Does this Amendment Do?

#### A. Background

In 1996, EPA published the final TSCA section 402/404 rule for training and certification of workers, accreditation of training programs, and model State programs for lead-based paint activities in target housing and child-occupied facilities (61 FR 45778, August 29, 1996) (FRL-5389-9). At that time, the implementation of the Federal program was delayed until August 29, 1998, to allow States and Indian Tribes to apply and receive authorization to run their own EPA-approved lead-based paint programs based on the model program.

The final rule provided for an additional phase-in period to allow the regulated community to come into compliance after the Federal program became effective in non-authorized States and Tribes on August 29, 1998. After March 1, 1999, training programs could no longer provide, offer, or claim to provide training or refresher training for lead-based paint activities defined at § 745.223 without being accredited by EPA according to the requirements of § 745.225. The rule also stated that after August 30, 1999, no individuals or firms could perform, offer, or claim to perform lead-based paint activities as defined at § 745.223 without certification from EPA under § 745.226 to conduct those activities. A special provision at § 745.226(d) was effective only until August 30, 1999, and allowed individuals to seek certification based on prior training and completion of a refresher course and a certification exam (if applicable). Additionally, after August 30, 1999, all lead-based paint activities were to be performed according to the work practice standards at § 745.227.

The Federal program under part 745, subpart L became effective August 31, 1998, in all non-authorized States and Tribes. The accreditation requirements at § 745.225 became effective March 1, 1999, and all training providers must now be accredited by EPA to offer lead-based paint activities courses in the Federal program.

#### B. Program Implementation

Although EPA has been reviewing applications for accreditation, there have been several unavoidable delays which have slowed the process of approving a sufficient number of training providers to accommodate the number of individuals seeking certification prior to the August 30, 1999 date. Two important items, the model training courses and the fee schedule, were not made available by

EPA to training providers in a sufficiently timely fashion to allow them to prepare their application packages well in advance of the deadlines.

In the preamble to the final rule, EPA indicated that it would make model training courses available in advance for training providers to use in developing their programs (61 FR 45778, at 45783). Under § 745.225(b)(1)(iii), training providers who used EPA model training materials may submit an abbreviated application package for accreditation and thus potentially accelerate the accreditation process. However, EPA was unable to make all model training materials immediately available to training providers. The updating of some of these courses to reflect the course curricula in § 745.225(d) was initially delayed. The development of a new model course for the project designer discipline has not yet been completed. EPA has also changed distributors for the model training course materials. The course materials were not available to the regulated community while a new distributor was being sought and contract arrangements finalized.

EPA was also delayed in promulgating the final fee rule setting out the fee schedule for accreditation of training providers and certification of contractors. The final fee rule was effective June 11, 1999 (64 FR 31092, June 9, 1999) (FRL-6058-6). Prior to its publication, training providers were unsure as to the fee structure and may have delayed preparing accreditation applications while waiting for the fee rule to be finalized.

Because of these delays, some areas of the U.S. where EPA is running the Federal program have insufficient training courses currently available for the number of individuals seeking certification. In some areas this is due to a lack of training provider applicants to provide training. In other areas, this is due to a backlog of training provider applications needing review by EPA. Despite the fact that the August 30 deadline is nearing, EPA has received only a few certification applications because of the difficulty for many individuals to take the courses needed prior to applying for certification. The lack of refresher courses has been a particular problem for those who wish to use the certification based on prior training provisions at § 745.226(d) that require completion of an EPA-accredited refresher course. Additionally, EPA has not made the certification exam available for inspectors, risk assessors, and supervisors who are required by

§ 745.226(b)(1)(ii) to pass a certification exam after completing the training courses. Although EPA expects to start offering the exam before the August 30, 1999 deadline, there would not be adequate time before August 30 to accommodate the many individuals who must take the exam prior to certification.

#### C. Extension Necessary

EPA believes that it is necessary to extend the effective dates for certification and work practice standards to March 1, 2000, to allow for successful implementation of the Federal program. This will allow EPA time to accredit sufficient training providers to accommodate the many individuals who must be certified. In particular, EPA wishes to accommodate those individuals who have years of experience conducting lead-based paint activities and choose to use the certification based on prior training provisions at § 745.226(d), which would also be extended until March 1, 2000. These individuals must take refresher courses, which EPA expects to be available in greater numbers with the extended effective date. Once individuals take the appropriate courses, inspectors, risk assessors, and supervisors must also complete the appropriate certification exams. EPA will have those exams in place and available for all those who seek to take the exams prior to the March 1, 2000 deadline. This extension only applies in States and Tribes where EPA is operating the Federal lead-based paint program under part 745, subpart L. It does not affect States and Tribes operating EPA-authorized programs under part 745, subpart Q. Additionally, in the Federal program, the extension for use of work practice standards does not apply once an individual is certified by EPA, because § 745.226(a)(4) states that individuals who have received EPA certification must conduct lead-based paint activities in compliance with the appropriate work practice standards in § 745.227.

Without the extension of the effective dates, EPA does not believe that it is currently possible to have effective implementation of the Federal lead-based paint program and ensure that individuals are well-trained in conducting lead-based paint activities in target housing and child-occupied facilities. EPA is concerned that under the original deadline, individuals who could not be certified, because of the lack of available training courses and/or certification exams, would not be able to legally perform lead-based paint activities after August 30, 1999. This

would reduce the availability of a well-qualified workforce to conduct lead-based paint activities. EPA believes that it is more appropriate to extend the effective dates to allow an appropriate amount of time for individuals to complete the necessary prerequisites and receive certification. EPA will work to assist the regulated community in coming into compliance by the March 1, 2000 deadline.

#### IV. Why is this Amendment Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is impracticable, unnecessary and would be contrary to the public interest. EPA finds that there is good cause to issue a final rule, without utilizing all of the notice and public comment procedures in section 553(b) of the Administrative Procedure Act (APA). It is impracticable to utilize the full-scale notice and comment proceedings in section 553(b), because such proceedings would unnecessarily extend the rulemaking process beyond the August 30, 1999 effective date, and would further delay the implementation of certification requirements and work practice standards. Congress clearly intended that EPA act expeditiously to promulgate training and certification requirements for lead-based paint activities, and even established a deadline for their promulgation. EPA did not meet the deadline because of the time-consuming process that was necessary to develop the Federal accreditation, training and certification processes and the State and Tribal authorization program. If EPA were to develop and publish a notice of proposed rulemaking pursuant to section 553(b), the full implementation of the Federal training and certification requirements would be even further delayed. As explained above, the amendments contained in this action will only extend the effective dates for the Federal program certification requirements and work practice standards to March 1, 2000. EPA is not making any changes to the substantive requirements of the current part 745, subpart L provisions. EPA is extending these effective dates in order to provide additional time for individuals to become trained and certified to conduct lead-based paint activities safely, reliably, and effectively. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the APA (5 U.S.C. 553(b)(3)(B)) to make this amendment without prior notice and comment.

#### V. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This final rule does not impose any new requirements. It only extends effective dates that are contained in the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice and comment requirements under the APA, or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the preamble for the final rule (61 FR 45778, at 45808).

#### VI. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. EPA has made such a good cause finding for this final rule, and established an effective date of August 6, 1999. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit IV. of this preamble. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead, Recordkeeping and reporting requirements.

Dated: July 29, 1999.

**Susan H. Wayland,**

*Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

Therefore, 40 CFR part 745 is amended as follows:

#### PART 745 [AMENDED]

1. The authority citation for part 745 continues to read as follows:

**Authority:** 15 U.S.C. 2605, 2607, 2681-2692 and 42 U.S.C. 4852d.

2. In § 745.226, by revising paragraphs (a)(5), (d)(2), and (f)(1) to read as follows:

#### § 745.226 Certification of individuals and firms engaged in lead-based paint activities; target housing and child-occupied facilities.

(a) \* \* \*

(5) It shall be a violation of TSCA for an individual to conduct any of the lead-based paint activities described in § 745.227 after March 1, 2000, if that individual has not been certified by EPA pursuant to this section to do so.

\* \* \* \* \*

(d) \* \* \*

(2) Individuals shall have until March 1, 2000, to apply to EPA for certification under the above procedures. After that date, all individuals wishing to obtain certification must do so through the procedures described in paragraph (a), and paragraph (b) or (c) of this section, according to the discipline for which certification is being sought.

\* \* \* \* \*

(f) \* \* \*

(1) All firms which perform or offer to perform any of the lead-based paint activities described in § 745.227 after March 1, 2000, shall be certified by EPA.

3. In § 745.227, by revising paragraph (a)(1) to read as follows:

**§ 745.227 Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities.**

(a) \* \* \*

(1) Beginning on March 1, 2000, all lead-based paint activities shall be performed pursuant to the work practice standards contained in this section.

\* \* \* \* \*

4. In § 745.239, by revising paragraphs (b) and (c) to read as follows:

**§ 745.239 Effective dates.**

\* \* \* \* \*

(b) No individual or firm shall perform, offer, or claim to perform lead-based paint activities, as defined in this subpart, without certification from EPA to conduct such activities pursuant to § 745.226 on or after March 1, 2000.

(c) All lead-based paint activities shall be performed pursuant to the work practice standards contained in § 745.227 on or after March 1, 2000.

[FR Doc. 99-20372 Filed 8-5-99; 8:45 am]

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**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7718]

**List of Communities Eligible for the Sale of Flood Insurance**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes

the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea, Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U. S. C. 601 et seq., because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

*Executive Order 12612, Federalism.* This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

*Executive Order 12778, Civil Justice Reform.* This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 64.6 [Amended]**

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
<b>New Eligibles—Emergency Program</b>			
Georgia: Madison, city of, Morgan County .....	130224	June 7, 1999 .....	February 21, 1975
Maine: Pembroke, town of, Washington County ..	230143	June 9, 1999 .....	October 29, 1976
Missouri: Airport Drive, village of, Jasper County	290761	.....do .....	February 14, 1975
Ohio: Clarksville, village of, Clinton County .....	390820	.....do .....	November 10, 1978
Michigan: Gun Plain, township of, Allegan County.	260614	June 23, 1999 .....	
Minnesota: Lonsdale, city of, Rice County .....	270445	.....do .....	