



TSCA/RRP Information Sheet: Access to Private Property

EPA's Authority to Gain Access to Private Property

The Toxic Substances Control Act (TSCA)'s Renovation, Repair and Painting (RRP) Rule is an enforceable regulation under TSCA that authorizes EPA to request access to renovations performed for compensation at target housing and child-occupied facilities, including private property, in order to monitor compliance with TSCA regulations. EPA may request access to properties at which renovations subject to the RRP Rule are occurring, or have occurred, as part of EPA's compliance monitoring and enforcement activities.

Why Does EPA Want Access to this Property?

EPA is requesting access to this property to inspect the work of the *renovator*. Renovators who perform renovation, repair and painting projects that disturb paint in homes, childcare centers and other child-occupied facilities built before 1978 must comply with the RRP Rule. The Rule requires that renovators contain the work area, minimize dust and clean up thoroughly. Therefore, EPA may seek access to properties where this work is being (or has been) performed to see if the renovator is in compliance with the regulation.

How Will EPA Obtain Permission for Access?

An inspector will request permission from the property owner to enter the property to conduct the inspection. In the absence of the property owner, and after a reasonable inquiry into a person's connection to the property, an inspector could get consent from a tenant, building manager, general contractor or the RRP renovator.

What Will Happen When EPA Seeks Access to this Property?

The inspector will present his/her credentials when requesting access and will also present a written notice containing information about the inspection. EPA will only seek access at reasonable times and must begin and end the inspection with reasonable promptness. If consent is given to enter the property, the inspector may choose to collect documents and samples during the inspection; if so, the inspector will present a Receipt for this material.

What Will Happen if EPA is Denied Access to this Property?

If EPA is not able to obtain consent to enter, EPA could elect to seek a warrant to obtain access. The inspector will consider a request to enter denied if the denial is explicit, if initial consent is terminated or if unacceptable conditions are placed upon the consent.

More Information on the RRP Program

For more information about the RRP program, visit EPA's web site at www.epa.gov/lead.