

**U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics**

**INTERPRETIVE GUIDANCE FOR THE FEDERAL PROGRAM
TSCA SECTIONS 402/403**

FINAL 4/7/04

**Q/A(14) Applicability to Other Federal Agencies
“Scope and Applicability”**

Q14: Must employees of Federal agencies who conduct lead-based paint activities be certified as individuals? Must their agencies be certified as firms? Must Federal agencies pay certification fees for individuals and firms?

A14: Yes. TSCA section 408 generally requires Federal agencies and their employees to comply with all Federal, State, interstate, and local requirements, both substantive and procedural, respecting lead-based paint, lead-based paint activities, and lead-based paint hazards in the same manner and to the same extent as any non-governmental entity is subject to such requirements. The regulations at 40 CFR 745.220(c) specifically state that Federal government agencies and their employees must comply with the requirements of 40 CFR part 745, subpart L. This includes payment of certification fees. Therefore, Federal employees who conduct lead-based paint activities as defined in 745.223 must be certified as individuals, and Federal agencies whose employees conduct lead-based paint activities must be certified as firms. To become certified, these individuals and firms must pay certification fees.