

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

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Oregon Health Authority, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

Amendment of rules to adopt federal regulations by reference for the Lead-based Paint Program

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
11-18-16	10:30 a.m.	Portland State Office Building; 800 NE Oregon St. Room 1D; Portland,	Jana Fussell

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

333-069-0100, 333-069-0120, 333-070-0200

AMEND:

REPEAL:

333-068-0005, 333-068-0010, 333-068-0015, 333-068-0020, 333-068-0025, 333-068-0030, 333-068-0035, 333-068-0040, 333-068-0045, 333-068-0050, 333-068-0055, 333-068-0060, 333-068-0065, 333-069-0005, 333-069-0010, 333-069-0015, 333-069-0020, 333-069-0030, 333-069-0040, 333-069-0050, 333-069-0060, 333-069-0070, 333-069-0080, 333-069-0090, 333-070-0075, 333-070-0080, 333-070-0085, 333-070-0090, 333-070-0095, 333-070-0100, 333-070-0105, 333-070-0110, 333-070-0125, 333-070-0130, 333-070-0135, 333-070-0140, 333-070-0150

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

333-069-0085 to 333-069-0110, 333-070-0115 to 333-070-0210, 333-070-0120 to 333-070-0220, 333-070-0145 to 333-070-0230, 333-070-0160 to 333-070-0240

Statutory Authority:

ORS 183.310 - 183.540, 183.745, 431A.355, 431A.358, 431A.363, 701.992

Other Authority:

Code of Federal Regulations (CFR) 40CFR Part 745 Subpart D and L

Statutes Implemented:

ORS 183.310 - 183.540, 183.745, 431A.355, 431A.358, 431A.363, 701.992

RULE SUMMARY

The Oregon Health Authority (Authority), Public Health Division, Environmental Public Health program is proposing to permanently adopt, amend and renumber, and repeal administrative rules in chapter 333, divisions 68, 69 and 70 pertaining to the Lead-based Paint Program. The proposed amendments will adopt by reference the Code of Federal Regulations (CFR) 40CFR Part 745 Subpart D and L. Recently, the U. S. Environmental Protection Agency (EPA) has notified the Authority that there are certain areas of the OARs that are not as stringent as the CFR. The Authority intends to adopt the CFR by reference so that its rules would essentially be the same as the CFR, with the exception of fee and penalty sections.

During the 2015 legislative session, fee changes were legislatively approved as a part of the Authority's budget in SB 5526 (Oregon Laws 2015, chapter 838), and are now being updated in administrative rule. This included an increase in student fees from \$17 to \$50 per student. Changes were also made to individual and firm certification fees, which went from \$85 for one year to \$255 for a three year certification. The

Authority was unsure if it would be keeping the Lead-based Paint Program or returning it to the EPA, so the fee changes were not incorporated into the text of the rules at the time. The Authority has decided to keep the program, and now needs to incorporate the fee changes into the rule language.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

11-22-2016 5:00 p.m.	Brittany Sande	brittany.a.sande@state.or.us
Last Day (<i>m/d/yyyy</i>) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.