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Date: October 17, 2016

TO: Interested Parties

FROM: Gabriela Goldfarb, Manager
Environmental Public Health Section

RE: Notice of Proposed Rulemaking – OAR 333-068, 069, 070 – "Amendment of rules to adopt federal regulations by reference for the Lead-based Paint Program"

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.

You are being invited to review and comment on the proposed rules. **If you wish to present oral testimony, a public hearing will be held on November 18, 2016 at 10:30 a.m. at the Portland State Office Building, 800 NE Oregon St., Room 1D, Portland, OR 97232.**

You may also file written comments before 5:00 p.m. on November 22, 2016 by submitting them to the Public Health Division Rules Coordinator at the following address:

OHA, Public Health Division
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, Oregon 97232

E-mail comments to: publichealth.rules@state.or.us
You may also send comments by fax to (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking Hearing, Statement of Need and Fiscal Impact, and the full text of the proposed rules at the following website:
<https://public.health.oregon.gov/HealthyEnvironments/HealthyNeighborhoods/LeadPoisoning/Pages/Lead-BasedPaintRegulations.aspx>

If you have questions or would like a paper copy of these rule changes, please contact Ben Maynard at 971-673-0433 or ben.t.maynard@state.or.us. Thank you for your continued support.