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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 388
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. Baker and White

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Department of Health (ODH) will experience an initial increase in costs associated with administration and enforcement of the Renovation, Repair, and Painting (RRP) Rule; however, if fees are assessed, costs would eventually be offset. Fees will likely be deposited into ODH's General Operations Fund (Fund 4700).

Detailed Analysis

Renovation, Repair, and Painting Rule – lead abatement

The bill authorizes the Ohio Department of Health (ODH) to enter into agreements with the U.S. Environmental Protection Agency (USEPA) for the administration and enforcement of the federal Renovation, Repair, and Painting (RRP) Rule, which establishes requirements regarding lead-based paint hazards associated with renovation, repair, and painting activities. The RRP Rule requires firms performing renovations that disturb lead-based paint in homes, child care facilities, and preschools built before 1978 to be certified. The RRP Rule is currently administered and enforced by the USEPA in Ohio; however, the USEPA allows states to administer and enforce the RRP Rule if both the USEPA and the state enter into agreements to do so. The bill allows ODH to accept available assistance in support of the agreements. Additionally, the bill permits ODH to adopt rules to administer and enforce the RRP Rule, including specifying provisions governing the certification process, fees for certification, training, and the imposition of civil penalties for violations of adopted procedures. The bill specifies that certification fees charged over any ten-year period cannot exceed the fees charged for certification under the federal program over that same ten-year period. Additionally, the rules must limit any civil penalties to \$5,000 per violation. If rules are adopted, ODH must also conduct educational outreach and provide access to educational resources to promote the RRP Program

and support those involved in the program. According to USEPA, several states have opted to administer and enforce the RRP Rule.

ODH will experience an initial increase in costs associated with administration and enforcement of the RRP Rule and to conduct educational outreach; however, if fees are assessed, costs would be offset. Fees will likely be deposited into ODH's General Operations Fund (Fund 4700). It is likely that with the collection of fees, the program will eventually be self-sufficient. It is also possible that some responsibility may be delegated to local boards of health in rule; in this case, boards may realize an increase in costs related to the program as well as corresponding fee revenue. However, this will depend on rules adopted.