

DEPARTMENT : **Health**

STATE OF MINNESOTA

Office Memorandum

DATE : **November 9, 1992**

TO : **Legislative Commission to Review Administrative Rules
55 State Office Building**

FROM : **Jane A. Nelson, rules coordinator
Division of Environmental Health** JW

PHONE : **627-5038**

SUBJECT :

Submission of Statement of Need and Reasonableness pursuant to Minnesota Statutes, sections 14.131 and 14.23

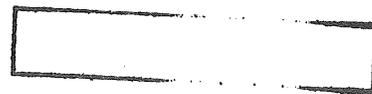
In accordance with the above statute, the Minnesota Department of Health is submitting to you the Statement of Need and Reasonableness on proposed rules relating to Lead Abatement, Chapters 4760 and 4761. These rules are scheduled for publication in the State Register December 7, 1992.

JAN:lk

Enclosure

The Legislative Commission to
Review Administrative Rules

NOV 23, 1992



IN THE MATTER OF PROPOSED PERMANENT
RULES OF THE MINNESOTA DEPARTMENT OF
HEALTH RELATING TO LEAD ABATEMENT
CHAPTERS 4760 AND 4761

STATEMENT OF NEED
AND REASONABLENESS

Date:

11/19/92



Marlene E. Marschall
COMMISSIONER OF HEALTH

NOVEMBER 13, 1992

STATE OF MINNESOTA
MINNESOTA DEPARTMENT OF HEALTH

IN THE MATTER OF PROPOSED PERMANENT
RULES OF THE MINNESOTA DEPARTMENT
OF HEALTH RELATING TO LEAD ABATEMENT
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STATEMENT OF NEED
AND REASONABLENESS

TABLE OF CONTENTS

title	page
I. STATUTORY AUTHORITY	1
II. RULEMAKING PROCEDURAL REQUIREMENTS	2
III. NONMANDATORY ACTIONS BY THE COMMISSIONER	3
IV. FISCAL IMPACT	3
V. EFFECT ON AGRICULTURAL LAND	5
VI. EFFECT ON SMALL BUSINESS	5
VII. NEED FOR THE RULES	6
VIII. REASONABLENESS OF THE RULES	7
IX. RULE JUSTIFICATION	7
X. EFFECTIVE DATE	24
XI. BIBLIOGRAPHY	24

**IN THE MATTER OF PROPOSED PERMANENT
RULES OF THE MINNESOTA DEPARTMENT
OF HEALTH RELATING TO LEAD ABATEMENT
CHAPTERS 4760 AND 4761**

**STATEMENT OF NEED
AND REASONABLENESS**

The Minnesota Department of Health presents the facts establishing the need for and reasonableness of the above-captioned proposed amendments to permanent rules.

I. STATUTORY AUTHORITY

The statutory authority of the Department to adopt rules governing lead abatement is outlined below. Specific statutory authority for each part of the rules is discussed in detail as part of the justification.

The adoption of the proposed rules is authorized by Minnesota Statutes, section 144.878, as amended by Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, Total Special Revenue Fund Appropriation, which states, in part, that:

To perform abatement as defined in Minnesota Statutes, section 144.871, subdivision 2, abatement contractors must be licensed and their employees must be certified by the commissioner. The commissioner must adopt rules that establish criteria for issuing, suspending, and revoking for cause licenses and certificates. The commissioner must establish, collect, and deposit into the state government special revenue fund fees to pay for the cost of administering lead abatement licensing and certifying.

Further, Laws of Minnesota 1992, both chapter 522, section 22, and chapter 595, section 22, amend Minnesota Statutes, section 144.878, to add new subdivision 5 which states that:

The commissioner shall adopt rules to license abatement contractors; to certify employees of lead abatement contractors who perform abatement, and to certify lead abatement trainers who provide lead abatement training for contractors, employees, or other lead abatement trainers. The rules must include standards and procedures for on-the-job training for swab teams. All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the

commissioner shall submit the rules to the chairs of the health and human services committees in the house of representatives and the senate, and to any legislative committee on licensing created by the legislature.

Laws of Minnesota 1992, chapter 522, section 47 and chapter 595, section 28 authorized the Office of the Revisor to recodify Minnesota Statutes, section 116.53, subdivision 2 as part of Minnesota Statutes, chapter 144 and to change terms establishing authority for program administration and rulemaking from the Minnesota Pollution Control Agency to the Minnesota Department of Health. The Minnesota Pollution Control agency had adopted two sets of rules relating to lead. Those setting a standard for lead in soil, and those setting response action priorities, are contained in Minnesota Rules, chapter 4760. In accordance with Minnesota Statutes, section 15.039, the rules adopted by the MPCA in Minnesota Rules chapter 4760 were transferred to the Minnesota Department of Health and remain in effect until amended or repealed. These proceedings, in addition to implementing new responsibilities granted to the Department of Health, also incorporate into existing Minnesota Rules, Chapter 4761, portions of existing chapter 4760.

The commissioner of health may also adopt reasonable rules pursuant to Minnesota Statutes, sections 144.05 and 144.12, for the preservation of public health.

II. RULEMAKING PROCEDURAL REQUIREMENTS

Minnesota Statutes, section 14.10, requires an agency that seeks information or opinions from persons outside the agency for adoption of rules to publish notice of such action in the State Register. This serves to notify interested persons in the community of the opportunity to submit comment or data on the subject of the rules. A notice of solicitation of outside information or opinions appeared in the State Register on June 29, 1992, at 16 S.R. 2986 (Vol. 16, No. 53). A copy of the notice is submitted into the record on this matter.

In accordance with Minnesota Statutes, section 16A.128, subdivision 1a, the department submitted proposed rule parts 4761.0710, subpart 2, item A, and subpart 4; 4761.0720 subpart 2, item A, and subpart 4; 4761.0730 subpart 2, item A, and subpart 4; and 4761.0740, subpart 2, item A to the Department of Finance for review and approval. A copy of the statement of review and approval by Bruce Reddemann, director of operations and support, is attached.

In accordance with Minnesota Statutes, section 16A.128, subdivision 2a, the department submitted a copy of the proposed notice to adopt a rule pertaining to fees to the chairs of the House Appropriations Committee and Senate Finance Committee prior

to submission of the proposed rules to the State Register. Copies of the letters are attached.

In accordance with Minnesota Statutes, section 144.878, as amended by Laws of Minnesota 1992, chapter 522, section 22, and chapter 595, section 22, the chairs of the health and human services committees in the house of representatives and the senate received copies of these proposed rules. This was done 30 days before the proposed rules were published in the State Register. Copies of the letters to these committees are attached.

In accordance with Minnesota Statutes, sections 14.131 and 14.23 a notice and copy of the Statement of Need and Reasonableness was sent to the Legislative Committee to Review Administrative Rules (LCRAR). A copy of the notice to the LCRAR is attached.

III. NONMANDATORY ACTIONS BY THE COMMISSIONER

In addition to publication of the Notice Soliciting Outside Opinions in the State Register, the department mailed a copy of the notice to about 300 persons interested in the subject matter of the proposed rules. These persons included registered lead abatement contractors, asbestos abatement contractors, and boards of health.

During the period of rule development, these persons were mailed a rule draft and invited to comment at a meeting held August 31, 1992. Fifteen persons attended.

In addition to the required mailing of the notice to adopt the rule to all parties on the certified agency mailing list, the department mailed a copy of the notice and proposed rule to about 300 persons interested in the subject of the proposed rules. These persons are listed on the "additional discretionary mailing list" which the department has entered into the rule record in conjunction with the affidavit of mailing.

IV. FISCAL IMPACT

The adoption of these rules will not require the expenditure of public money by local public bodies of greater than \$100,000 in the two years following promulgation. Minnesota Statutes, section 144.874, subdivision 1 as amended by Laws of Minnesota 1992, chapter 522, section 15 and chapter 595, section 15, require boards of health to conduct residence assessments as recommended by the Centers for Disease Control (CDC). The CDC recommends that an assessment be done in response to reported one-time blood lead levels of at least 20 micrograms per deciliter and persistent blood lead levels of 15 to 19 micrograms per deciliter. The CDC document is titled "Preventing Lead Poisoning in Young Children: A Statement by the Centers for

Disease Control", published by the United States Public Health Service in 1991. The CDC recommendations are presented in the table below which is adapted from page 3 of the CDC document.

TABLE: INTERPRETATION OF BLOOD LEAD TEST RESULTS AND FOLLOW-UP ACTIVITIES: CLASS OF CHILD BASED ON BLOOD LEAD CONCENTRATION		
Class	Blood lead concentration (ug/dL)	Comment
I	<10	A child in Class I is not considered to be lead-poisoned.
IIA	10-14	Many children (or a large proportion of children) with blood lead levels in this range should trigger community-wide childhood lead poisoning prevention activities. Children in this range may need to be rescreened more frequently.
IIB	15-19	A child in Class IIB should receive nutritional and educational interventions and more frequent screening. If the blood lead level persists* in this range, environmental investigation and intervention should be done.
III	20-44	A child in Class III should receive environmental evaluation & remediation and a medical evaluation. Such a child may need pharmacologic treatment of lead poisoning.
IV	45-69	A child in Class IV will need both medical and environmental interventions including chelation therapy.
V	>69	A child with Class V lead poisoning is a medical emergency. Medical and environmental management must begin immediately.

*"If a blood lead test result is 10-14 ug/dL, the child should be retested every 3 to 4 months." IN "Preventing Lead Poisoning in Young Children: A Statement by the Centers for Disease Control", page 44, United States Public Health Service, 1991.

The previous elevated blood lead levels specified in 1990 law (section 144.871, subdivision 6) at which boards of health had to conduct residence assessments was at least 25 micrograms per deciliter. The statutory change in the definition of "elevated blood lead level" adopted in 1992 will increase the number of legislatively-mandated residence assessments and therefore increase the cost to boards of health, but this increase is not due to these proposed rules. Other mandated duties are contingent on state or federal funding and would not result in a net increase in costs to the boards of health.

A legislative fiscal note was not requested because the commissioner's duty to adopt these rules for licenses and certificates was enacted late in the 1992 legislative session and no fiscal note was requested. However, testimony presented in legislative committee estimated costs to be \$70,000 per year for the licensing and certification program.

V. EFFECT ON AGRICULTURAL LAND

The adoption of these rules will not have a direct and substantial adverse impact agricultural land, therefore, no further information need be provided under Minnesota Statutes, section 14.11.

VI. EFFECT ON SMALL BUSINESS

Minnesota Statutes, section 14.115, requires that an agency consider five factors for reducing the impact of proposed rules on small businesses, these being:

1. less stringent compliance or reporting requirements;
2. less stringent schedules or deadlines for compliance or reporting requirements;
3. consolidation or simplification of compliance or reporting requirements;
4. design standards for small businesses; and
5. exemption of small businesses from the proposed rule.

Small business is defined as "... a business entity, including its affiliates that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full time employees or has gross annual sales of less than four million dollars...." The small businesses most affected by the proposed rules are landlords and lead abatement contractors.

For the proposed permanent rules, the MDH has considered each of the five factors as follows:

1. Less stringent compliance or reporting requirements. Existing reporting and procedural requirements are not affected by the proposed rules.

2. Less stringent schedules or deadlines for compliance or reporting requirements. Existing schedules are not affected by the proposed rules.

3. Consolidation or simplification of compliance or reporting requirements. Existing reporting and procedural requirements are not affected by the proposed rules.

4. Design standards for small businesses. Existing requirements are not affected by the proposed rules.

5. Exemption of small businesses from the proposed rule. Compliance with the proposed rules is needed for protection of public health and the environment by preventing or minimizing lead exposure. This is required by Minnesota Statutes, section 144.878, subdivision 2. Exempting small businesses from the proposed rules would fail to satisfy the cited statute and is therefore inappropriate. Furthermore, licensure of lead abatement contractors and certification of lead abatement workers are eligibility criteria for certain federal funding that would otherwise be unavailable to Minnesota businesses. [United States Department of Housing and Urban Development, "NOFA (Notice of Funding Available) for Lead-Based Paint Abatement in Low- and Moderate-Income Private Housing", Federal Register, Vol. 57, No. 29, Monday, July 6, 1991, page 29778, item (6)].

VI. NEED FOR THE RULES

Preservation of public health necessitates adoption of these rules. Improper lead abatement has been shown to release large amounts of small particles of lead that are easily ingested and can pose a health hazard.

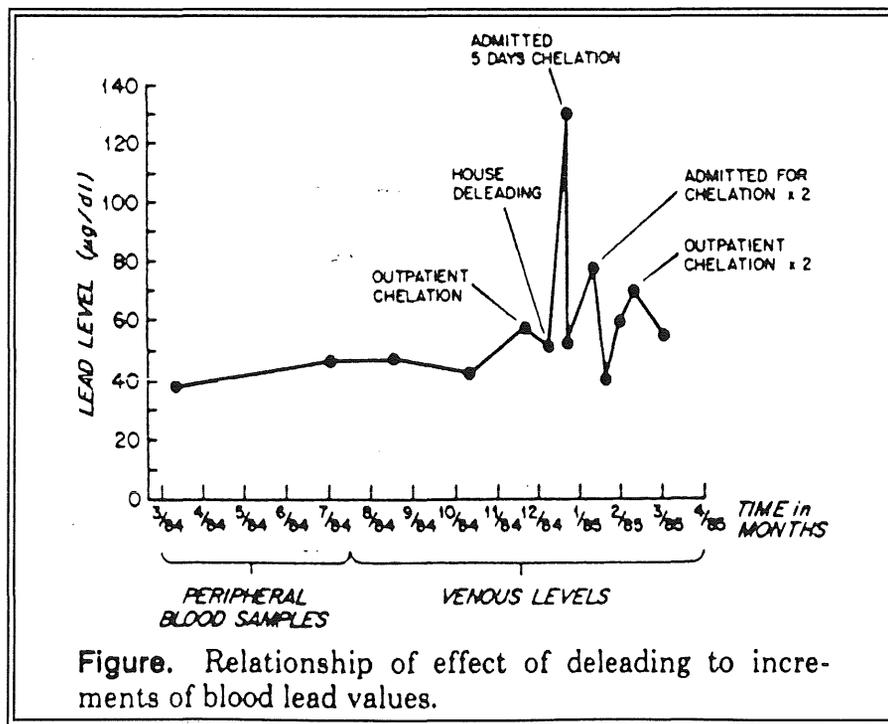


Figure. Relationship of effect of deleading to increments of blood lead values.

This health hazard is illustrated in the figure above. The child whose blood lead levels are shown was living in the residence when lead abatement was performed. The blood lead levels rapidly rose from about 40 ug/dL to about 130 ug/dL (Susana Rey-Alvarez, M.D., and Theresa Menke-Hargrave, M.D. "Deleading Dilemma: Pitfall in the Management of Childhood Lead Poisoning" Pediatrics, Volume 79, Number 2, February 1987.). This approached a lethal dose. The last child reported to have died from lead poisoning was in Wisconsin in 1990 and had a blood lead level of 144 ug/dL (Centers for Disease Control, "Fatal Pediatric Poisoning from Leaded Paint - Wisconsin, 1990", Morbidity and Mortality Weekly Report, Volume 40, Number 12, March 29, 1990.). Improper lead abatement clearly poses an unacceptable health hazard and rules are needed to ensure that contractors and workers are competent to perform abatement properly.

VIII. REASONABLENESS OF THE RULES

The proposed rules are modeled, in part, after the licensing and certification rules parts 4620.3000 to 4620.3700, which apply to asbestos abatement contractors and their employees. Asbestos abatement and lead abatement use much of the same waste containment and cleanup equipment and procedures, although some significant differences exist. For example, asbestos fibers readily remain airborne while lead is much denser and settles out. Therefore, lead abatement does not need all of the air filtration equipment used in asbestos abatement. About fifteen licensed asbestos abatement contractors are also registered lead abatement contractors. This number is likely to increase as more funding becomes available for lead abatement.

Patterning the lead abatement licensing and certification rules after the asbestos abatement licensing and certification rules, while allowing for significant differences, provides reasonable consistency in working with regulated parties.

Each proposed rule is needed and reasonable as described below.

IX. RULE JUSTIFICATION

4761.0100 APPLICABILITY.

The change in reference to chapter 4761 and addition of language referencing residential property and playgrounds is needed to reflect the addition of proposed rule parts pertaining to soil and playgrounds. Laws of Minnesota 1992, chapter 522, section 47 and chapter 595, section 28 transferred authority over provisions relating to lead in soil and playgrounds from the Minnesota Pollution Control Agency to the Minnesota Department of Health. The proposed rules incorporate the standards on soil and playgrounds which were transferred to the Minnesota Department of Health.

The proposed language on the applicability of the rules to property owners and tenants performing lead abatement on residences which they occupy is not a new requirement but a clarification that is needed because the question keeps arising. Laws of Minnesota 1992, chapter 522, section 21 and chapter 595, section 21 amended Minnesota Statutes, section 144.878, subdivision 2 by adding paragraph (d) which states that rules governing lead abatement standards and methods must apply to any individual performing or ordering the performance of lead abatement.

4761.0200 DEFINITIONS.

Subp. 4. **Abrasive blasting.** The department proposes to modify this existing definition at this time to cross reference to existing rules of the Minnesota Pollution Control Agency which address this issue and define applicable terms. The department prefers not to duplicate or paraphrase definitions contained in other applicable agency rules. The cross referenced definition is the same as the term currently defined in this part.

Subp. 5. **Assessment.** This existing definition is proposed for amendment to incorporate the provisions pertaining to soil and playgrounds that have been folded into chapter 4761 from chapter 4760. The existing assessment procedures for soil are contained in part 4761.0400.

Subp. 6. **Bare soil.** Because appropriate provisions of existing chapter 4760 promulgated by the Minnesota Pollution Control Agency are being incorporated into this chapter, it was necessary to repropose the existing definition of bare soil contained in part 4760.0015, subpart 4. The definition proposed is the same as that contained in part 4760.0015, subpart 4.

Subp. 7a. **Child.** This proposed definition references the statutory description in Minnesota Statutes, section 144.871, subdivision 6. The department prefers not to paraphrase or repeat statutory definitions or descriptions. Referring to the statutory definition is a reasonable method to avoid inconsistency between rules and statute.

Subp. 9. **Elevated blood lead level.** A definition of "elevated blood lead level" is needed because this term is used to specify when corrective actions must be taken. Laws of Minnesota 1992, chapter 522, section 3, states that:

"Elevated blood lead level" in a child no more than six years old or in a pregnant woman means a blood lead level that exceeds the federal Centers for Disease Control guidelines for preventing lead poisoning in young children, unless the commissioner finds that a

lower concentration is necessary to protect public health.

The intent of Laws of Minnesota 1992, chapter 522, section 3, is to adopt the federal criteria for "elevated blood lead level." However, this statute refers to a federal document that contains guidelines and is not written in a regulatory format. Further, the federal document sets out a series of corrective actions that depend on the severity of the elevated blood lead level. The proposed definition of "elevated blood lead level" must explicitly include the CDC criterion to fulfill the legislative intent. As the table on page 4 of the SNR indicates, the CDC document identifies 10 ug/dL as the level at and above which the child is considered to have an elevated blood lead level (CDC, page 2).

Subp. 12a. **Lead abatement trainer.** A definition of "lead abatement trainer" is needed to identify the person who must have a certificate. The proposed definition is reasonable because it refers to the performance of educational activities as previously described in Minnesota Statutes, section 144.871, subdivision 2.

Subp. 12b. **Lead abatement worker.** A definition of "lead abatement worker" is needed to identify the person who must have a certificate. The proposed definition is reasonable because it refers to the performance of "lead abatement" as previously defined in Minnesota Statutes, section 144.876, subdivisions 1 and 2.

Subp. 13. **Modified-wet abrasive blasting.** The department proposes to cross reference to the applicable definition in existing Minnesota Pollution Control Agency rules. It is reasonable to refer to the MPCA definition and rules because that is the agency with authority in this area. The referenced definition is the same as that contained in the existing MDH rule.

Subp. 13a. **Person.** A definition of a "person" is necessary to describe clearly to whom chapter 4761 applies. Part 4760.0015, subpart 7 which was transferred to the Department of Health defined a "person" as having the meaning given in Minnesota Statutes, section 116.06, subdivision 8. These are statutes administered by the Minnesota Pollution Control Agency. The MPCA definition of a "person" is broad and includes not only individuals, but corporate and business entities and governmental agencies. The department of health proposes to use a similar definition in a statute administered by the commissioner of health - Minnesota Statutes, section 103I.005, subdivision 16.

Subp. 13c. **Point of use device.** A definition of "point of use device" is needed to identify equipment that may affect the lead content of drinking water. The proposed definition is

needed because testing methods require water for drinking to be taken from the tap. The definition is reasonable because it describes in simple terms the type of equipment covered. The definition is a term of art in the water testing industry.

Subp. 14. **Reassessment.** The amendment to this existing definition is necessary to accommodate, within chapter 4761, those existing rules relating to soil standards and playgrounds contained in chapter 4760.

Subp. 15b. **Response action.** A definition of "response action" is contained in part 4760.0510, subpart 8 which were transferred to the Department of Health for implementation. However, subpart 8 referred to a section of statute which was repealed by the legislature in transferring legislative authority. Because the cross reference to statute is no longer valid but precise definition of the term remains necessary, the department is promulgating the same definition contained in Minnesota Statutes, section 116.51, subdivision 5, so as to give meaning to the incorporated rules of the MPCA.

Subp. 15d. **Sponsor.** A definition of "sponsor" is needed to identify the person to whom the requirements in part 4761.0740, APPROVAL OF LEAD ABATEMENT TRAINING COURSES, apply. The defined term is reasonable because it describes in simple terms the activities that qualify a person as the sponsor.

Subp. 16a. **Swab team.** A definition of "swab team" is needed because this term is used in Laws of Minnesota 1992, chapters 522 and 595 (as codified into Minnesota Statutes, section 144.871) to describe duties and funding responsibilities assigned to the commissioner of health. It is reasonable to refer to the statutory definition to avoid inconsistency between the rules and the statute.

Subp. 17. **Vacuum blasting.** The department proposes to cross reference to the applicable definition of "vacuum blasting" in existing Minnesota Pollution Control Agency rules. It is reasonable to refer to the MPCA definition and rules because the MPCA is the agency with authority in this area. The referenced definition is the same as that contained in the existing MDH rule.

4761.0300 STANDARDS.

Subpart 1. **Paint.** Deletion of "laboratory" and addition of "as measured by quantitative chemical analysis" is a clarification. Although "laboratory analysis" is generally understood to mean analysis by methods that provide a quantitative result, this is not its literal meaning. Similarly, the addition of "by dry weight" is a clarification.

Subp. 3. **Drinking water.** Amending the drinking water standard from 50 micrograms per liter to 15 micrograms per liter is needed for consistency with a similar revision by the United States Environmental Protection Agency which applies to public water supply systems. (40 Code of Federal Regulations, Parts 141 and 142, Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule.)

4761.0400 ASSESSMENT.

Subpart 1. **General.** Addition of the proposed language is needed to specify a course of action to be followed by a board of health in those few cases where the common sources of lead exposure are not found. The list of possible sources provided in items A to N is adapted from pages 11 and 12 of "Manual for the Identification and Abatement of Environmental Lead Hazards", Lawrence Chadzynski, June 1986. This document was prepared under a contract between the United States Public Health Service and the University of Illinois.

Subp. 2. **Assessment required.** Addition of the proposed language in this part is needed to implement the requirements in Minnesota Statutes, section 144.871, subdivision 6, as amended by Laws of Minnesota 1992, chapter 522, section 3, and chapter 595, section 3. These statutory changes require implementation of the recommendations of the Centers for Disease Control in the document "Preventing Lead Poisoning in Young Children: A Statement by the Centers for Disease Control" October 1991. As the table on page 4 of this statement of need and reasonableness indicates, a child with a class III or higher blood lead concentration of at least 20 ug/dL should receive environmental evaluation and remediation and medical evaluation.

The proposed language allowing a board of health to contract for assessment services is needed for those boards of health that find few cases of elevated blood lead levels and therefore cannot justify in-house staff devoted to residence assessments.

Allowing a board of health to omit testing of material that would in any case not be subject to an abatement order is needed to avoid testing that will have no practical use, and waste time and resources.

Subp. 3. **Abatement required.** Deletion of the reference to the Minnesota Pollution Control Agency soil lead standard is needed because Laws of Minnesota 1992, chapter 522, section 47, and chapter 595, section 28, transferred administrative responsibility for the soil lead standard from the Pollution Control Agency to the Department of Health.

Deletion of "elevated blood lead level" and specification of the blood lead levels at which action is required by a board of

health is needed to implement the requirements in Minnesota Statutes, section 144.871, subdivision 6, as amended by Laws of Minnesota 1992, chapter 522, section 3, and chapter 595, section 3. Again, these statutory changes require implementation of the criteria established by the Centers for Disease Control in the table on page 4: INTERPRETATION OF BLOOD LEAD TEST RESULTS AND FOLLOW-UP ACTIVITIES: CLASS OF CHILD BASED ON BLOOD LEAD CONCENTRATION. The proposed language does this.

Subp. 4. **Paint.** Addition of the date of construction of the residence is needed to avoid unnecessary assessments. The United States Consumer Product Safety Commission limited the lead content of newly manufactured paint to 0.06 percent effective February 27, 1978. (Title 16 Code of Federal Regulations, Chapter II, Subchapter B, Part 1303 - Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint.) Assessment of residences built after this date are reasonable to exclude because it is likely surfaces on these residences would have been painted with paint with a very low lead content.

Deletion of "all" is a clarification that is needed because it conflicts with the subsequent statement that a board of health is not required to test paint on every surface within a residence.

Subp. 5. **Dust.** The proposed language requires more airflow because comment has been received from laboratory staff in Hennepin County that insufficient samples are being obtained and more force is needed. The change to five liters of air per minute is reasonable because this is the maximum airflow provided by personal air sampling pumps which are commonly available devices. The proposed language specifying that the filter cassette contain a high efficiency particulate air filter is needed to identify the filter that is needed to collect fine particles of dust that may contain lead.

Subp. 6. **Drinking water.** Deletion of the language referring to lead in schools' drinking water is needed because this document has been superseded by a federal regulation dealing more specifically with residential drinking water, which is the subject of this subpart. (Title 40 Code of Federal Regulations, Parts 141 and 142, Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule.) However, the proposed language adapts the sampling protocol from this regulation rather than adopting this regulation by reference for two reasons. First, the sampling protocol language is simple to include and the public will not have to refer to another document for it. Second, the federal regulation also contains considerable language dealing with public water supply systems that is not relevant to individual residences and is therefore only confusing to the public for the purpose of this subpart.

Subparts 7 and 8. **Bare soil.** The heading revision to these subparts is necessary to incorporate standards relating to bare soil contained in chapter 4760.

4761.0500 LEAD ABATEMENT METHODS.

The provisions contained in subparts 9 to 14 is material incorporated from existing rule part 4760.0030. The provisions must be shown as new material to facilitate internal cross reference changes. The provisions are essentially the same as those contained in existing part 4760.0030. It is not the department's intent to propose any substantive changes to the abatement methods for soil at this time. The variance procedure for abatement contained in part 4760.0030, subpart 8 is being repealed and replaced with a similar variance process and criteria currently specified in part 4761.0800 and parts 4717.7000 to 4717.7050.

4761.0600 REASSESSMENT.

Subp. 1. **Reassessment required.** The proposed language to include reassessment of drinking water is needed to ensure that the abatement method chosen is effective at reducing exposure to lead from this source. Reassessment of bare soil has been added to facilitate the incorporation of the soil standards in chapter 4760 into this chapter.

Subp. 2. **Sample collection.** The proposed language to specify the method for sampling drinking water is needed to implement the requirement to reassess drinking water for lead content. This is the same sample collection protocol as that required in part 4761.0400, subpart 6, for the initial assessment. Consistency in sample collection protocol is needed to accurately evaluate the effectiveness of abatement. The required protocol is based on federal requirements in Title 40 Code of Federal Regulations, Parts 141 and 142.

Subp. 3. **Sample analysis.** The proposed language to specify the method for analyzing drinking water is also needed to implement the requirement to reassess drinking water for lead content.

4761.0700 LEAD ABATEMENT CONTRACTOR DUTIES.

The addition of "lead" to the title of this section is needed as a clarification because "abatement" is also a term of art with asbestos abatement contractors. Because much of the equipment and procedures are similar for lead abatement and asbestos abatement, contractors are likely to perform work in both lead and asbestos. Specifying which material is the present topic is reasonable to avoid confusion. "Lead" is proposed to be added before "abatement" elsewhere in the rules for the same reason.

Subpart 3. **License and certificate.** Replacement of the existing language on registration with proposed language on licensure and certification is needed to comply with Laws of Minnesota 1992, chapters 522 and 595 (as codified into Minnesota Statutes, section 144.876). The statutory requirements changed from "registration" to "licensure and certification." This change must be reflected in the rules.

Subpart 4. **Swab team.** The role of swab teams is to conduct in-place management of lead sources rather than to remove lead sources from the residence. Swab teams can reduce lead exposure more quickly than an abatement project that includes structural modifications, which requires planning, design and execution of a contract with a lead abatement contractor. However, improper cleaning of lead-contaminated dust and paint chips, like improper structural lead abatement, can increase the residents' lead exposure by stirring up lead-contaminated dust rather than removing the dust from the residence. Because of the potential for increasing the health hazard and since swab teams do perform abatement as defined in Minnesota Statutes, section 144.871, subdivision 2, they must be certified as lead abatement workers.

4761.0710 LICENSING REQUIREMENTS FOR LEAD ABATEMENT CONTRACTORS

Subpart 1. **License required.** The proposed language on licensure and certification is needed to comply with Laws of Minnesota 1992, chapters 522 and 595 (as codified into Minnesota Statutes, section 144.876). The statute requires licensure and certification. This change must be reflected in the rules.

The requirement that licenses be renewed annually is needed to ensure that abatement contractors remain informed on the evolving field of lead abatement. Successful completion of an annual refresher lead abatement training course is required for renewal of a license. Failure to remain informed would fail to protect public health so renewal is a reasonable requirement. Requiring that a license be readily available at the place of business for inspection by the commissioner or by the board of health is needed to allow verification that the contractor is licensed.

A prohibition on transferring licenses is needed to prevent unqualified people from performing lead abatement by obtaining false credentials.

The exclusion from licensure of property owners who only abate their own residences is needed to avoid overwhelming the licensing program with applicants for licensure who have very limited potential public health impact. The potential health impact to the property owner needs to be, and is, addressed by requiring the owner to follow the abatement methods in existing rules. Minnesota Rules, part 4761.0100, already state that Minnesota Rules, chapter 4761, applies to anyone performing lead

abatement on residential lead sources. Restating this requirement here is a reasonable reminder to the public of the need to perform lead abatement in a safe manner. Minnesota Statutes, section 144.878, subdivision 2(a), requires the commissioner to adopt rules "establishing standards and abatement methods for lead in paint, dust, and drinking water in a manner that protects public health and the environment for all residences". The requirement that the standards and abatement methods apply to all residences means that property owners working on their own property must use the abatement methods set out in rule. However, the statute does not require the commissioner to adopt rules establishing licensure to apply to all property. Thus, statute does not require property owners working on their own property to obtain a license.

Subp. 2. **License application.** Specification of the contents of a license application is needed to inform potential applicants of the requirements and ensure that all applicants are treated equally. The content requirements in the proposed rules are reasonable to identify the applicant and to confirm that the applicant is trained in lead abatement. The \$100 fee is needed to comply with Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, and administrative rules regarding fees which require that fees cover the cost of administering the licensure and certification program. (See table below.)

In the table below on program costs, the staff is estimated to be hired three months into Fiscal Year 1993. Capital equipment includes computer terminals. The projected program revenue is based on an estimate that 100 of the 150 asbestos abatement contractors licensed in Minnesota will become licensed lead abatement contractors but only two-thirds of them will do so within Fiscal Year 1993. Similarly, 1,300 of the 2,000 certified asbestos workers are estimated to become certified lead abatement workers but only two-thirds of them will do so in Fiscal Year 1993. The Fiscal Year 1995 estimate for initial worker certification allows for employee turnover.

Subp. 3. **License renewal.** Stating that the license is valid for one year unless the commissioner revokes it is needed to clarify that the commissioner has enforcement authority and is empowered to terminate the license in less than a year.

Subp. 4. **License replacement.** Providing a method for issuance of replacement licenses is needed to allow for accidents. Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, require fees to cover costs of licensure and certification and limits on staff time necessitate charging a fee on duplicate licenses. A \$50 fee is reasonable for this purpose. (See table of projected program costs and projected revenue on page 16.)

TABLE: PROJECTED PROGRAM COSTS AND REVENUES

COSTS	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>
Salary & Fringe:			
clerk/typist 2	\$19,186	\$26,372	\$27,163
health educator 1	<u>20,834</u>	<u>28,638</u>	<u>29,496</u>
Subtotal S & F	\$40,020	\$55,010	\$56,659
Supplies & Expenses:			
communications	\$ 500	\$ 1,500	\$ 1,000
travel & subsistence	200	500	500
supplies/materials	2,000	3,700	3,000
capital equipment	3,000	0	0
rulemaking	5,000	0	0
Indirect @ 15.6%	<u>7,912</u>	<u>9,470</u>	<u>9,541</u>
Subtotal S & E	\$18,612	\$15,170	\$14,041
TOTAL COSTS	\$58,632	\$70,180	\$70,700
FEE REVENUE	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>
Licenses:			
initial @ \$100	\$ 6,500	\$ 3,500	\$ 500
renewal @ \$100	0	6,500	9,500
replacement @ \$50	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal licenses	\$ 6,500	\$10,000	\$10,000
Certificates:			
worker			
initial @ \$50	\$43,500	\$21,500	\$ 2,000
renewal @ \$50	0	43,500	63,000
replacement @ \$25	0	0	500
trainer			
initial @ \$50	250	50	50
renewal @ \$50	0	200	200
replacement @ \$25	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal certificates	\$43,750	\$65,250	\$65,750
Course approvals @ \$100	500	100	500
TOTAL REVENUE	\$50,750	\$75,350	\$76,250

Subp. 5. Denial of license application. Specification of the reasons for denial of a license application is needed to inform applicants in advance that the existence of any of the conditions in section 4761.0750, subpart 1, will result in denial of the application. Allowing 60 days for resubmital of an application without paying a second fee is a reasonable accommodation for an oversight on the part of the applicant but a time limit is needed to prevent applications from becoming outdated and inaccurate.

4761.0720 CERTIFICATION OF LEAD ABATEMENT WORKERS

Subpart 1. **Certificate required.** The requirement that the abatement worker sign the certificate and to have it at work sites is needed to provide for on-site confirmation that abatement work is performed by certified workers. Having a certificate in one's pocket while working is no more difficult than having a driver's license in one's pocket while driving.

The exclusion of property owners from certification who only abate their own property is needed to avoid overwhelming the certification program with applicants who have very limited potential public health impact. The potential health impact to the property owner needs to be, and is, addressed by requiring the owner to follow the abatement methods in existing rules. Minnesota Rules, part 4761.0100, already states that Minnesota Rules, parts 4761.0100 to 4761.0800 apply to anyone performing lead abatement on residential lead sources. Restating this requirement here is a reasonable reminder to the public of the need to perform lead abatement in a safe manner. Minnesota Statutes, section 144.878, subdivision 2(a), requires the commissioner to adopt rules "establishing standards and abatement methods for lead in paint, dust, and drinking water in a manner that protects public health and the environment for all residences". The requirement that the standards and abatement methods apply to all residences means that property owners working on their own property must use the abatement methods set out in rule. However, the statute does not require the commissioner to adopt rules establishing certification to apply to all property. Thus, the statute does not require property owners working on their own property to obtain a certificate.

Subp. 2. **Certificate application.** Specification of the contents in a certificate application is needed to inform potential applicants of what is required and to ensure that all applicants are treated equally. The content requirements in the proposed rules are reasonable to identify the applicant and confirm that the applicant is trained in lead abatement. The \$50 fee is needed to comply with Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, which require that fees cover the cost of administering the licensure and certification program. (See table of projected costs and revenue on page 16.)

Subp. 3. **Certificate renewal.** Stating that the certificate is valid for one year unless the commissioner revokes it is needed to clarify that the commissioner does have enforcement authority and is empowered to terminate the certificate in less than a year. Specification of the contents in a certificate renewal application is needed to inform potential applicants of what is required and ensure that all applicants are treated equally. The content requirements in the proposed rules are reasonable to identify the applicant and to confirm that the

applicant is trained and informed in lead abatement. The \$25 fee is needed to comply with Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, which require that fees cover the cost of administering the licensure and certification program. (See table of projected costs and revenue on page 16.)

Subp. 4. **Certificate replacement.** A method for issuance of replacement certificates is needed to allow for accidents. Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, require fees to cover costs of licensure and certification and limits on staff time necessitate charging a fee on duplicate certificates. A \$25 fee is reasonable for this purpose. (See table of projected costs and revenue on page 16.)

Subp. 5. **Denial of certificate application.** Listing the reasons for denial of a certificate application is needed to forewarn applicants that the existence of any of the conditions in part 4761.0750, subpart 1, will result in denial of the application. Allowing 60 days for resubmital of an application without paying a second fee is a reasonable accommodation for an oversight on the part of the applicant but a time limit is needed to prevent applications from becoming outdated and inaccurate.

4761.0730 CERTIFICATION OF LEAD ABATEMENT TRAINERS.

Subpart 1. **Certificate required.** The requirement that the abatement trainer sign the certificate and have it at work sites is needed to provide for on-site confirmation that abatement work is performed by certified trainers. Having a certificate in one's pocket while working is no more difficult than having a driver's license in one's pocket while driving.

Subp. 2. **Certificate application.** Specification of the contents in a certificate application is needed to inform applicants of what is required and ensure that all applicants are treated equally. The content requirements in the proposed rules are reasonable to identify the applicant and confirm that the applicant is trained in lead abatement. The \$50 fee is needed to comply with Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, which require that fees cover the cost of administering the licensure and certification program. (See table of projected costs and revenue on page 16.)

Subp. 3. **Certificate renewal.** Stating that the certificate is valid for one year unless the commissioner revokes it is needed to clarify that the commissioner does have enforcement authority and is empowered to terminate the certificate in less than a year. Specification of the contents in a certificate renewal application is needed to inform potential applicants of what is required and ensure that all applicants are treated equally. The content requirements in the proposed rules are reasonable to identify the applicant and to confirm that the

applicant is trained and informed in lead abatement. The \$25 fee is needed to comply with Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, which require that fees cover the cost of administering the licensure and certification program. (See table of projected costs and revenue on page 16.)

Subp. 4. **Certificate replacement.** A method for issuance of replacement certificates is needed to allow for accidents. Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, require fees to cover costs of licensure and certification and limits on staff time necessitate charging a fee on duplicate certificates. A \$25 fee is reasonable for this purpose. (See table of projected costs and revenue on page 16.)

Subp. 5. **Denial of certificate application.** Listing the reasons for denial of a certificate application is needed to forewarn applicants that the existence of any of the conditions in part 4761.0750, subpart 1, will result in denial of the application. Allowing 60 days for resubmital of an application without paying a second fee is a reasonable accommodation for an oversight on the part of the applicant but a time limit is needed to prevent applications from becoming outdated and inaccurate.

4761.0740 APPROVAL OF LEAD ABATEMENT TRAINING COURSES.

Subpart 1. **Approved lead abatement training course.** The training course conducted under contract for the Department of Health was attended by staff of the Department of Health. Acceptance of this course is needed to provide the public with licensed contractors and certified abatement workers in a timely manner. The lead abatement course sponsored by the United States Environmental Protection Agency is also acceptable because this federal agency has expertise and is responsible for providing lead abatement training.

Subp. 2. **Approval of lead abatement training courses.** Requiring that initial and refresher training courses be approved by the commissioner in writing is needed to prevent miscommunication from wasting the time and money of the course sponsor and of the attendees. Requiring biennial approval is needed to ensure that information remains current in the evolving field of lead abatement. Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, require fees to cover costs of licensure and certification and limits on staff time necessitate charging a fee for approval of training courses. A \$100 fee is reasonable for this purpose. (See table of projected costs and revenue on page 16.)

Subp. 3. **Initial lead abatement training course requirements.** Specification of the contents in an application for course approval is needed to inform potential course sponsors of what is required and to ensure that all applicants are treated

equally. The content requirements in the proposed rules are reasonable to allow the commissioner to verify that the course conforms to the information provided in the application.

A. Requiring the course participants to attend the entire training course as a condition for completion is necessary to ensure that participants are trained in all the required areas related to abatement. Requiring the course sponsor to maintain a daily attendance record of attendees is needed to verify that each attendee who subsequently applies for a license or certificate has, in fact, completed the course. A daily sign-in attendance record is a simple burden to meet.

B. Requiring that demonstrations and hands-on training are taught by instructors with experience in lead abatement is necessary to ensure effective and competent training.

C. A written, closed-book examination is needed to ensure that each attendee passes the examination on his or her merit.

D. Requiring initial training courses to last at least three days of eight hours each, minus breaks and lunch, is needed to provide time to address all the specified topics.

E. Specification of the topics listed is needed to inform the course sponsor of the minimum requirements and ensure that sponsors are treated equally. Each of the items listed is needed to provide safe lead abatement. The list of topics specified is consistent with those specified in Minnesota Statutes, section 144.878, as amended by Laws of Minnesota 1992, chapter 522, section 22 and chapter 595, section 22. Also, the administrative rules pertaining to asbestos abatement and residential asbestos sources need to be addressed so that contractors and workers are aware of this potential health hazard that is likely to be encountered in residential lead abatement work.

F. The prescription of an eight-hour session that includes hands on practice is consistent with the requirement for hands on experience specified in Minnesota Statutes, section 144.878 as amended by Laws of Minnesota 1992, chapter 522, section 22 and chapter 595, section 22.

Subp. 4. Annual refresher lead abatement course requirements. Specification of annual refresher course contents is needed to inform potential course sponsors of what is required to ensure that all applicants are treated equally. The content requirements in the proposed rules are needed to ensure that each attendee maintains expertise on topics integral to lead abatement in Minnesota and that each attendee can successfully apply for a license or certificate on completion of the course.

Subp. 5. Duration of lead abatement training course approval. Approving courses for a two year period is needed to ensure that the course content remains current in the evolving field of lead abatement.

4761.0750 DISCIPLINARY ACTION.

Subpart. 1. **Commissioner action.** Specification of the reasons for the commissioner's disciplinary action is needed to inform applicants in advance that failure to comply with these rules may result in revocation of a license or certificate and to ensure that each person is treated equally. Denial of an inadequate application or revocation of license, certificate, or course approval obtained by a falsified application is needed to enforce the provisions of this chapter. Revocation of a license, certificate, or course approval where the person has actively circumvented the provisions of this chapter is needed to enforce this chapter. Revocation of a license, certificate, or course approval where the person has endangered public health or safety is needed to protect public health and safety and to enforce this chapter. Denial of an application or revocation of a license, certificate, or course approval where the person has engaged in illegal activity is also needed to protect the public.

Subp. 2. **Revoked license or certificate.** Prohibiting a person whose license, certificate, or course approval has been revoked from applying for a new license or certificate for at least one year is needed to deter violation of these rules. Reapplication after one year is consistent with other licensing rules of the state, including those applicable to asbestos abatement contractors in chapter 4620 and to well contractors in part 4725.1600.

4761.0760 PRIORITIES FOR RESPONSE ACTION FOR RESIDENTIAL SITES AND PLAYGROUNDS.

This proposed part contains the language in part 4760.0500 SCOPE adopted by the Minnesota Pollution Control Agency which is proposed for repeal. This provision needs to be shown as new material to provide for the rule part reference revision and a revised cross reference to recodified statute.

4761.0780 ABATEMENT PRIORITY LIST.

Subpart 1. **Distributing authority.** This provision contains the language in existing part 4760.0530, subpart 1 which is proposed for repeal. The provision is shown as new material to provide for the new cross reference to part 4760.0520. The substance of the provision has not changed.

4761.0790 RESPONSE ACTION.

This proposed part contains the language in part 4760.0540 which is proposed for repeal. The rule part is shown as new material in order to accommodate the need for the change in cross reference in subpart 2 to part 4761.0760 to 4760.0790. The substance of subparts 1, 2, and 3 has not changed. The

department is repromulgating the substance of existing part 4760.0540, subpart 4, because it essentially duplicates the content of part 4761.0100.

4761.0795 LOCAL ENFORCEMENT.

This proposed part contained the language in existing part 4760.0045 which is proposed for repeal. The rule part must be shown as new material to provide for a change is the cross referenced rule parts. The substance and intent of the provision has not changed.

REPEALER:

The department is proposing to repeal a number of the provisions in chapter 4760. These provisions either duplicate existing material in chapter 4761 or have been repropoed as new material to accommodate format and cross reference changes.

Part 4760.0010 is repealed in its entirety. The proposed revisions to part 4761.0100 APPLICABILITY, incorporate the additional application to bare soil and playgrounds.

Subparts 1, 2, 3, 4, 5, and 7 of part 4760.0015 are proposed for repeal because they are either duplicated or repropoed in part 4761.0200. Subparts 8 and 9 are proposed to be renumbered as subparts 13b and 15a of part 4761.0200. Subpart 6, which defines "hazardous waste" would remain in chapter 4760. The authority to adopt or repeal regulations relating to the definition of or disposal of hazardous waste remains with the Minnesota Pollution Control Agency as sepcified in Minnesota Statutes, section 144.878, subdivision 2 (c) as amended by Laws of Minnesota 1992, chapter 522, section 21 (c) and chapter 595, section 21 (c) which provides that the commissioner of the pollution control agency adopt rules for the "disposal of any hazardous waste."

Part 4760.0030 ABATEMENT METHODS FOR BARE SOIL is proposed for repeal. The provisions contained in this part have been repropoed as new material in part 4761.0500 LEAD ABATEMENT METHODS, as subparts 9, 10, 11, 12, 13 and 14. The variance provision in part 4760.0030, subpart 8 is proposed for repeal and will be replaced with existing part 4761.0800 which provides procedures and criteria for handling a variance request from the specified abatement methods.

Part 4760.0035 DISPOSAL OF WASTE MATERIALS FROM ABATEMENT PROJECTS is not proposed for repeal and will remain in chapter 4760. The department does not think it has authority to repeal or promulgate regulations with respect to the definition of or disposal of hazardous materials.

Part 4760.0040 is proposed for repeal. The substance of the provision is already addressed in part 4761.0100 APPLICABILITY.

Part 4760.0045 is proposed for repeal and has been repromulgated as part 4761.0795 to facilitate cross reference changes.

Part 4760.0050 is proposed for repeal. This variance procedure for abatement methods will be replaced by the existing procedure in parts 4761.0800 and 4717.7000 to 4717.7050 which already applies to methods.

Part 4760.0500 SCOPE is proposed for repeal. The substance of this provision has been proposed for repromulgation as part 4761.0760 to facilitate cross reference changes.

Part 4760.0510, subparts 1, 2, 4, 5, 6, 7, and 8 are definitions that are proposed for repeal. They either duplicate existing definitions in chapter 4761 or are being repromulgated to facilitate cross reference changes. Subpart 3, "Distributing authority," will be renumbered as subpart 8a in part 4761.0200; subpart 9, "site," will be renumbered as subpart 15c in part 4761.0200.

Part 4760.0530, subpart 1 is proposed for repeal and is replaced by part 4761.0780, subpart 1 to facilitate cross reference changes. The provision is substantively the same. Subparts 2 and 3 of part 4760.0530 are proposed for renumbering as part 4761.0780, subparts 2 and 3.

RENUMBERER.

Several provisions contained in chapter 4760 are proposed for renumbering to become part of chapter 4761. These parts are treated in this manner because they are virtually unchanged. The revisor will be moving them into chapter 4761.

In part 4760.0015, subpart 8, the definition of "playground" and subpart 9, the definition of "residential property" are proposed to be renumbered as subparts 13b and 15a of part 4761.0200.

Part 4760.0020 BARE SOIL STANDARD is renumbered as subpart 4 of existing part 4761.0300 which already contains the standards for lead in paint, dust and drinking water.

In part 4760.0510, subpart 3, the definition of "Distributing authority," will be renumbered as subpart 8a in part 4761.0200; subpart 9, the definition of "Site," will be renumbered as subpart 15c in part 4761.0200.

Part 4760.0520 PRIORITY RANKING SYSTEM will be renumbered as part 4761.0770 with no other changes.

Finally, subparts 2 and 3 of part 4760.0530 are proposed for renumbering as part 4761.0780, subparts 2 and 3.

X. EFFECTIVE DATE

These rules shall become effective five working days after publication of a notice of adoption in the State Register.

XI. BIBLIOGRAPHY

This material is available through the Minitex interlibrary system and is available for review at the department.

United States Department of Housing and Urban Development, "NOFA for Lead-Based Paint Abatement in Low- and Moderate-Income Private Housing", Federal Register, Vol. 57, No. 129, Monday, July 6, 1991, pages 29774 - 29782.

Title 40 Code of Federal Regulations, Parts 141 and 142, Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule.

Title 16 Code of Federal Regulations Chapter II, Subchapter B, Part 1303.

Laws of Minnesota 1992, chapter 513, article 5, section 7, subdivision 2, Total Special Revenue Fund Appropriation.

Laws of Minnesota 1992, chapters 522 and 595.

Susana Rey-Alvarez, M.D., and Theresa Menke-Hargrave, M.D. "Deleading Dilemma: Pitfall in the Management of Childhood Lead Poisoning" Pediatrics, Volume 79, Number 2, February 1987.

Centers for Disease Control, "Fatal Pediatric Poisoning from Leaded Paint - Wisconsin, 1990", Morbidity and Mortality Weekly Report, Volume 40, Number 12, March 29, 1990.

Minnesota Rules, chapters 4620 and 4725.

"Manual for the Identification and Abatement of Environmental Lead Hazards", Lawrence Chadzynski, June 1986

Preventing Lead Poisoning in Young Children: A Statement by the Centers for Disease Control" published by the United States Public Health Service in 1991.

DEPARTMENT: HEALTH

STATE OF MINNESOTA
Office Memorandum

DATE: October 27, 1992

TO: Bruce Reddeman, Budget Operations
Department of Finance

FROM: David Hovet, Director
Financial Management 

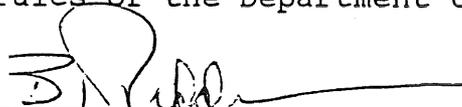
PHONE: 623-5072

SUBJECT: FEE APPROVAL

Please find enclosed material requesting the establishment of fees that support a lead abatement program. The material includes a copy of the draft rules, the applicable portion of the draft statement of need and reasonableness and a revised cost and revenue summary.

We plan to submit these proposed rules to the State Register for publication in mid November, so your earliest review and approval is requested and appreciated. If you should have any questions, please contact me.

On review of the attached supporting information justifying the reasonableness of the proposed fees and pursuant to the authority vested in the Department of Finance under Minnesota Statutes 16A.128, the fees set forth in the proposed rules of the Department of Health are hereby approved.



Bruce J. Reddemann, Director
Budget Operations and Support

11-2-92
Date



Minnesota Department of Health

Division of Environmental Health
925 Delaware Street Southeast
P.O. Box 59040
Minneapolis, MN 55459-0040
(612) 627-5100

October 29, 1992

The Honorable Gene Merriam
Minnesota Senate
Finance Committee
Room 121
State Capitol Building
St. Paul, Minnesota 55155

Dear Senator Merriam:

Pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, the Department is notifying you of the submission of permanent rules relating to Lead Abatement, Minnesota Rules, chapters 4760 and 4761, to the State Register for publication.

Attached to this letter is a copy of the proposed rule and the approval of the commissioner of finance in accordance with Minnesota Statutes, section 16A.128, subdivision 1a.

If you have any questions about this matter, please contact Chris Moore at 623-5463.

Sincerely yours,

MARLENE E. MARSCHALL
Commissioner of Health

JN:lk

Attachments



Minnesota Department of Health

Division of Environmental Health
925 Delaware Street Southeast
P.O. Box 59040
Minneapolis, MN 55459-0040
(612) 627-5100

October 29, 1992

The Honorable Wayne Simoneau
Minnesota House of Representatives
Appropriations Committee
Room 365
State Capitol Building
St. Paul, Minnesota 55155

Dear Representative Simoneau:

Pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, the Department is notifying you of the submission of permanent rules relating to Lead Abatement, Minnesota Rules, chapters 4760 and 4761, to the State Register for publication.

Attached to this letter is a copy of the proposed rule and the approval of the commissioner of finance in accordance with Minnesota Statutes, section 16A.128, subdivision 1a.

If you have any questions about this matter, please contact Chris Moore at 623-5463.

Sincerely yours,

MARLENE E. MARSCHALL
Commissioner of Health

JN:lk

Attachments



Minnesota Department of Health

Division of Environmental Health
925 Delaware Street Southeast
P.O. Box 59040
Minneapolis, MN 55459-0040
(612) 627-5100

October 29, 1992

The Honorable Linda Berglin
Minnesota Senate
Health and Human Services Committee
Room G-9
State Capitol Building
St. Paul, Minnesota 55155

Dear Senator Berglin:

Pursuant to Minnesota Statutes, section 144.878, the Department is submitting to you a copy of proposed permanent rules relating to Lead Abatement, Minnesota Rules, chapters 4760 and 4761.

If you have any questions about this matter, please contact Chris Moore at 623-5463.

Sincerely yours,

MARLENE E. MARSCHALL
Commissioner of Health

JN

Attachment

*received 11/06/92
Blanchard*



Minnesota Department of Health

Division of Environmental Health
925 Delaware Street Southeast
P.O. Box 59040
Minneapolis, MN 55459-0040
(612) 627-5100

*Rec'd 11-6-92
n.a.*

October 29, 1992

The Honorable Peter Rodosovich
Minnesota House of Representatives
Health and Human Services Committee
State Office Building
St. Paul, Minnesota 55155

Dear Representative Rodosovich:

Pursuant to Minnesota Statutes, section 144.878, the Department is submitting to you a copy of proposed permanent rules relating to Lead Abatement, Minnesota Rules, chapters 4760 and 4761.

If you have any questions about this matter, please contact Chris Moore at 623-5463.

Sincerely yours,

MARLENE E. MARSCHALL
Commissioner of Health

JN

Attachment

DEPARTMENT : Health

STATE OF MINNESOTA

Office Memorandum

DATE : November 9, 1992

TO : Legislative Commission to Review Administrative Rules
55 State Office Building

FROM : Jane A. Nelson, rules coordinator
Division of Environmental Health

PHONE : 627-5038

SUBJECT :

Submission of Statement of Need and Reasonableness pursuant to Minnesota Statutes, sections 14.131 and 14.23

In accordance with the above statute, the Minnesota Department of Health is submitting to you the Statement of Need and Reasonableness on proposed rules relating to Lead Abatement, Chapters 4760 and 4761. These rules are scheduled for publication in the State Register December 7, 1992.

JAN:lk

Enclosure