

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Sydney King, Regulatory Policy Advocate

DATE: May 22, 2014

RE: **CSI Review – Childhood Lead Poisoning Prevention, Investigation and Reporting (OAC 3701-30-01, 3701-30-02, 3701-30-03, 3701-30-04, 3701-30-05, 3701-30-06, 3701-30-07, 3701-30-08, 3701-30-09, 3701-30-10, 3701-30-11, 3701-30-12, and 3701-30-13)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of thirteen amended rules being proposed by the Ohio Department of Health (ODH) related to childhood lead poisoning prevention and investigation. These rules were reviewed as part of the five-year review process required by ORC 119.032. The rule package was filed with the CSI Office on February 10, 2014, and the CSI public comment period for the rules closed on March 9, 2014.

The rule package provides requirements for screening children at risk for lead poisoning, performing public health lead investigations into the potential source of the lead poisoning, and lead control when a source is identified. The Ohio General Assembly established childhood lead poisoning prevention programs subsequent to the passage of federal lead-based paint reduction legislation in 1992. According to ODH, the state legislation was strengthened in 2004 allowing ODH to issue lead hazard control orders to owners of properties known or suspected of contributing to a child's lead poisoning. Control orders require the property owner to take steps to

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control the exposure to lead. The rules provide the requirements for control orders and the methods allowed for lead control.

The BIA indicates that stakeholders provided input throughout the rule review process. Stakeholders included the Ohio Healthy Homes Partnership, the Ohio Healthy Homes Network, local boards of health delegated the authority to conduct public health lead investigations, the Ohio Environmental Health Association, ODH's Quality Assurance's Lead Poisoning Prevention Program, and the Ohio Lead Advisory Council. No comments were received during the CSI public comment period.

The BIA identifies child care facilities, schools, and rental property owners as the impacted business community. ODH and authorized local boards of health are tasked with investigating the source of a child's lead poisoning. This includes investigating the residential unit, child care facility, or school. If the investigation results find the residential unit, child care facility, or school is the source of the lead exposure, ODH or an authorized board of health shall issue an order to have each lead hazard on the property controlled. The control order requires necessary repairs to control the lead. According to the BIA, the costs to comply with a control order can range from a few hundred dollars to \$30,000.

ODH states that approximately three hundred control orders are issued each year throughout the state. Control orders mostly impact rental property owners and at-home childcare. Only two lead hazard control orders have been issued to Type A child care facility owners. According to the BIA, low-income property owners can qualify for financial assistance in complying with the orders. Additionally, when ODH issues an order, the owner and tenants will often be prequalified for grant services. Ohio has received over \$30 million from the Department of Housing and Urban Development for lead hazard control grant funding.

ODH states the rules are justified in order to reduce the harmful impact of lead poisoning. Recent medical research has determined children with even low levels of lead exposure will suffer development and learning deficiency. According to ODH, the Center for Disease Control and Prevention estimates 535,000 children nationwide between the ages of one and five have lead poisoning. Additionally, lead-based paint exposure remains the most threatening source of lead for children with an estimated forty-two percent of Ohio children living in potentially hazardous homes. In addition to impacting a child's health and well-being, lead poisoning has an economic impact costing \$5,600 in medical treatment and special education per lead poisoned child.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules is justified.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office