



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Amanda Payton, Ohio Environmental Protection Agency

FROM: Ethan Wittkorn, Business Advocate

DATE: November 9, 2021

RE: CSI Review – Lead Emissions Rules (OAC 3745-71-01 and 3745-71-03)

On behalf of Lt. Governor Jon Husted, 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This Ohio Environmental Protection Agency (EPA) rule package consists of two rescinded rules. The draft rules were submitted to the CSI Office on September 16, 2021, and the public comment period was open through October 19, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 16, 2021.

The proposed rules cover requirements for lead emissions monitoring in ambient air. The rules are proposed for rescission to avoid confusion with other ambient air monitoring rules, specifically OAC 3745-25-02. Additionally, OAC 3745-71-01 is being removed as it only contains reference information that is not necessary without OAC 3745-71-03.

During the early stakeholder outreach period, the EPA sent notice of the proposed rule rescission to all stakeholders of the Division of Air Pollution Control. No comments were submitted during either the early stakeholder outreach period, or the CSI public comment period.

EPA notes in its BIA that no adverse impacts are expected as a result of the proposed rule rescissions. Accordingly, the CSI Office notes that if an agency determines that a proposed rescinded rule or

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rules will not result in an adverse impact to business, then filing with the CSI Office is not required as a prerequisite to filing such rules with the Joint Committee on Agency Rule Review (JCARR).

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the EPA should proceed in filing the proposed rules with JCARR.