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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 388  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Baker and White

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### SUMMARY

- Authorizes the Ohio Department of Health Director to enter into agreements with the U.S. Environmental Protection Agency for the administration and enforcement of the federal Renovation, Repair, and Painting (RRP) Rule, which establishes requirements regarding lead-based paint hazards associated with RRP activities.
- Allows the Director to both of the following:
  - Accept available assistance in support of those agreements; and
  - Adopt rules to administer and enforce the federal RRP Rule.
- Exempts rules adopted from requirements governing the elimination of existing regulatory restrictions.

### DETAILED ANALYSIS

#### Renovation, Repair, and Painting Rule – lead abatement

The bill authorizes the Ohio Department of Health (ODH) Director 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. Under the RRP Rule, firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities, and pre-schools built before 1978 must be certified by USEPA (or a USEPA-authorized state), use certified renovators who are trained by USEPA-approved training providers, and follow lead-safe work practices.<sup>1</sup>

<sup>1</sup> R.C. 3742.11(B).

This rule has been administered and enforced by the USEPA pursuant to the “Toxic Substances Control Act of 1978.”<sup>2</sup> However, the USEPA allows states to administer and enforce the RRP Rule if both the USEPA and the state enter into an agreement to do so.

The bill also allows the Director to accept available assistance in support of the agreements. The Director may adopt rules to administer and enforce the federal RRP Rule. If the Director adopts rules, the rules must specify the following:

1. Provisions governing applications for certification to undertake RRP projects;
2. Provisions governing the approval and denial of certification and the renewal, suspension, and revocation of certification;
3. Fees for any certification issued or renewed under the RRP Rule. However, the certification fees charged over any ten-year period cannot exceed the fees charged for certification under the federal program over that same 10-year period.
4. Requirements for training and certification, which must include levels of training and periodic refresher training for certifications issued under the RRP Rule;
5. Procedures to be followed by a person certified under the RRP Rule to undertake renovation, repair, and painting projects and to prevent public exposure to lead hazards and ensure worker protection during RRP projects;
6. Provisions governing the imposition of civil penalties (up to \$5,000 per violation) for violations of procedures adopted under the RRP Rule;
7. Provisions for warnings, education, and remediation prior to and in lieu of any civil penalty imposition;
8. Record-keeping and reporting requirements for a person certified under the RRP Rule;
9. Procedures for the approval of training providers under the RRP Rule, including specific training course requirements; and
10. Any other procedures and requirements that the Director determines necessary for implementation of the RRP Rule.<sup>3</sup>

If the Director adopts RRP-related rules, the Director must conduct educational outreach and provide access to educational resources to promote the RRP program and support those involved in the program.<sup>4</sup>

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<sup>2</sup> 15 Unites States Code 2601.

<sup>3</sup> R.C. 3742.11(C).

<sup>4</sup> R.C. 3742.11(D).

The bill exempts rules adopted by the Director governing the RRP program from the continuing law "two-for-one rule." The two-for-one rule requires certain state agencies to remove two or more existing regulatory restrictions for each new restriction adopted. It applies until June 30, 2025, and continues to apply after that date if the state agency fails to reach specific reductions in regulatory restrictions required under continuing law. A regulatory restriction is any part of an administrative rule that requires or prohibits an action.<sup>5</sup>

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## HISTORY

Action	Date
Introduced	01-29-24

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<sup>5</sup> R.C. 3742.11(E), by reference to R.C. 121.95 to 121.953.