

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 388

Representatives Baker, White

A BILL

To enact section 3742.11 of the Revised Code to
authorize the Director of Health to enter into
agreements with the U.S. Environmental
Protection Agency for the administration and
enforcement of the federal Renovation, Repair,
and Painting Rule.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3742.11 of the Revised Code be
enacted to read as follows:

Sec. 3742.11. (A) As used in this section, "renovation,
repair, and painting rule" means the rule adopted by the United
States environmental protection agency pursuant to the "Toxic
Substances Control Act of 1978," 15 U.S.C. 2601.

(B) The director of health may enter into agreements with
the United States environmental protection agency for the
administration and enforcement of the renovation, repair, and
painting rule. The director also may accept available assistance
in support of any agreement.

(C) The director may adopt rules in accordance with
Chapter 119. of the Revised Code to develop the renovation,

repair, and painting program and for the administration and 20
enforcement of this section. If the director adopts such rules, 21
the director shall specify all of the following in the rules: 22

(1) Provisions governing application for certification, 23
approval and denial of certification, and renewal, suspension, 24
and revocation of certification under this section; 25

(2) Fees for any certification issued or renewed under 26
this section. The certification fees charged over any ten-year 27
period shall not exceed the fees charged for certification under 28
the federal program over that same ten-year period. 29

(3) Requirements for training and certification, which 30
shall include levels of training and periodic refresher training 31
for certifications issued under this section; 32

(4) Procedures to be followed by a person certified under 33
this section to undertake renovation, repair, and painting 34
projects and to prevent public exposure to lead hazards and 35
ensure worker protection during renovation, repair, or painting 36
projects; 37

(5) Provisions governing the imposition of civil penalties 38
for violations of procedures adopted under this section. The 39
rules shall specify that civil penalties shall not exceed five 40
thousand dollars per violation. The rules also shall include 41
provisions for warnings, education, and remediation prior to and 42
in lieu of the imposition of any civil penalty. 43

(6) Record-keeping and reporting requirements for a person 44
certified under this section; 45

(7) Procedures for the approval of training providers 46
under this section, including specific training course 47
requirements; 48

(8) Any other procedures and requirements that the 49
director determines necessary for the implementation of this 50
section. 51

(D) If the director adopts rules under division (C) of 52
this section, the director also shall conduct educational 53
outreach and provide access to educational resources to promote 54
the renovation, repair, and painting program and support those 55
involved in the program. 56

(E) Notwithstanding any provision of section 121.95 of the 57
Revised Code to the contrary, a regulatory restriction contained 58
in a rule adopted under this section is not subject to sections 59
121.95 to 121.953 of the Revised Code. 60