

**BEFORE THE INDIANA STATE DEPARTMENT OF HEALTH**

**AN ADMINISTRATIVE RULES HEARING  
LSA DOCUMENT #10-734**

**HEARING OFFICER REPORT**

This matter came before the duly appointed Hearing Officer, Kelly MacKinnon, on the 19<sup>th</sup> day of September, 2011 at 1:00 p.m., at the Indiana State Department of Health (ISDH), 2 North Meridian Street, Indianapolis, Indiana.

Notice of time and place of the hearing was given as provided by law by publishing on August 22, 2011, in the *Indianapolis Star* and by publishing in the *Indiana Register* dated August 24, 2011. Proof of publication of this notice has been received by the ISDH and the notice and proof are hereby incorporated into the record of this cause by reference and placed in the official files of the ISDH.

**ORAL STATEMENT**

Lynne Sullivan  
President  
Indiana Apartment Association

Ms. Sullivan testified at the hearing. Her comments are on pages four to six of the public hearing transcript which is attached and incorporated by reference as Exhibit 1.

Gretchen White  
Governmental Affairs Director  
Indiana Builders Association

Ms. White testified at the hearing. Her comments are on pages six to ten of the public hearing transcript which is attached and incorporated by reference as Exhibit 1.

Jodi Perras  
Executive Director  
Improving Kids' Environment

Ms. Perras testified at the hearing. Her comments are on pages ten to thirteen of the public hearing transcript which is attached and incorporated by reference as Exhibit 1.

## WRITTEN STATEMENT

No written statements were presented at the hearing.

### Comment 1

One comment was submitted to the hearing officer on September 15, 2011 from Dona J. Bergman, Executive Director, Evansville Department of Sustainability, Energy and Environmental Quality (SEEQ).

Ms. Bergman offered support for the proposed rule changes. She asked that the definition for “clearance examination” be changed to remove references to the US Department of Housing and Urban Development (HUD) definition for “interim controls” because the Indiana Administrative Code already defines “interim controls” and the definition is slightly different than the HUD definition. Ms. Bergman also asked to change the definition of “clearance levels” to include the clearance levels for lead in dust. She asked ISDH to consider revising the definition for “dust sampling technician.”

Ms. Bergman requested changing the definition of “interim control levels” to delete “renovation” because its inclusion would subject renovation activities to 410 IAC 32, including licensing requirements and work practices. SEEQ encourages ISDH to seek legislative authority to implement 40 CFR 745 Subpart E – Residential Property Renovation. SEEQ asked for the definition of “lead based paint” to be changed to be consistent with the lead levels found in 16 CFR 1303(2).

Ms. Bergman requested ISDH to consider revising the definition for “maintenance activities” to clarify if the subject maintenance activities are those conducted as an “interim control” or general maintenance activities. She also requested the section titled “Lead abatement procedures; interior” and “Post-remediation clearance procedures” be revised to require the removal of carpeting or professional cleaning of carpeting as part of the post-remediation clearance procedures. Additionally, Ms. Bergman requested ISDH to add to section the section titled “Lead abatement procedures; exterior.”

SEEQ supports the proposed requirement that documentation of inspections, risk assessments and lead hazards be submitted in “the format prescribed by the department within five business days after completing the report.” Finally, SEEQ suggests that ISDH require

inspections, risk assessments and lead hazard screen reports be provided to the building occupants if the occupants do not own the building in a reasonable time frame. Ms. Bergman's comments are attached and incorporated by reference as Exhibit 2.

### **Comment 2**

Another written comment was submitted to the hearing officer on September 23, 2011 by Mardi Klevs, Chief, Chemicals Management Branch, Land and Chemicals Division, United States Environmental Protection Agency. The Environmental Protection Agency (EPA) offered its support for the rule changes stating that it will make marked improvements to the efficiency and efficacy of the program. EPA also commended ISDH for holding a stakeholders meeting in November of 2010 to hear concerns from interested parties.

EPA encouraged ISDH to pursue specific changes outlined in the proposed rule which relates directly to the EPA's lead-based paint abatement program under Section 402(a) of the Toxics Substances Control Act and federal regulations found at 40 CFR 745. Specifically, the EPA referenced the addition of the proposed definition of "dust sampling technician" and the clarification that renovation does not include any activity that was conducted to solely remediate a lead hazard. Also, EPA referenced the ability to use online training options for the lecture portion of all lead discipline courses to reduce the cost of the training for the regulated workforce.

EPA offered additional comments to strengthen ISDH's administration and enforcement of the rule. EPA comments that the addition of definitions for the following terms: maintenance activities, post-remediation report, remediation and water lead hazard will help ISDH implement this rule. Also, EPA commented the change that ISDH have the requirement that all lead inspections, risk assessments and lead hazard screens be reported to ISDH within five days of completion to assist ISDH with reporting requirements for ISDH's EPA grant. For the electronic submission of reports, license renewals and correspondence to EPA, EPA recommended that current technology be used to the fullest to reduce financial burdens on regulated community and to comply with state federal requirements related to electronic submission of information. EPA

also commented that soil lead hazards of 5,000 parts per million or greater may be subject to other state or federal regulations.

EPA recommended that current change allowing an individual with a bachelor's degree and less than one year of experience to become a licensed risk assessor not be included in the final rule. EPA stated that it is not certain that the change may not be "as protective as" the federal rule. EPA asked that the language be removed at least until EPA has had time to fully consider this matter and the consequences of such language on its authorized lead-paint programs. The EPA's comments are incorporated by referenced and attached as Exhibit 3.

The record was left open until September 23, 2011.

Dated at Indianapolis, Indiana this 13<sup>th</sup> day of October, 2011.



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Kelly MacKinnon  
Hearing Officer

EXHIBIT  
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BEFORE THE STATE DEPARTMENT OF HEALTH  
FOR THE STATE OF INDIANA

**COPY**

IN THE MATTER OF THE PUBLIC  
HEARING ON THE LEAD BASED  
PAINT PROGRAM RULE AMENDMENTS

TRANSCRIPT OF PROCEEDINGS  
HELD SEPTEMBER 19, 2011  
BEFORE HEARING OFFICER KELLY MacKINNON

1 MacKINNON: This is a public hearing before the Indiana  
2 State Department of Health on the 19th day of  
3 September at 1:00 P.M. in the Indiana State  
4 Department of Health, Conference Room 8A, Two  
5 North Meridian Street, Indianapolis, Indiana and  
6 is docketed before the Executive Board of the  
7 State Department of Health as LSA Document  
8 Number 10-734, a rule to amend 410 I. A. C. 32  
9 to add and update definitions, add reporting  
10 requirements for licensed lead professionals,  
11 update licensing requirements and update  
12 remediation procedures. Notice of time and  
13 place of this hearing was given as provided by  
14 law by publishing on August 22nd, 2011 in The  
15 Indianapolis Star and on August 24th, 2011 in  
16 The Indiana Register. Proof of publication of  
17 this Notice has been received by the Department  
18 and the Notice and Proof are now incorporated in  
19 the record of this cause by reference and placed  
20 in the official files of the Department. My  
21 name is Kelly MacKinnon and I am appointed  
22 hearing officer by the State Department of  
23 Health in this cause. The sign-in sheet should  
24 be completed by all individuals desiring to be  
25 shown as appearing of record and shall be

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completed by those who desire to be heard during this hearing. If you have not already signed in the sheet, please do so at this time. You will also find at the back of the room a copy of the proposed rules, the Small Business Economic Impact Statement and Indiana Economic Development Corporation comments on the Economic Impact Statement. You are welcome to take a copy of each. Additionally, the proposed rule and I. E. D. C. comments are posted on the Department's website at [www.in.gov/isdh](http://www.in.gov/isdh) under Rules. Oral statements will be heard and written statements may be handed to me, e-mailed to me at [kmackinnon@isdh.in.gov](mailto:kmackinnon@isdh.in.gov) or mailed to me at Two North Meridian Street, Section 3H-99, Indianapolis, Indiana, 46204 by September 23rd, 2011. All written and verbal comments will be reported in my report on this hearing before the Executive Board of the Indiana State Department of Health. Each person who speaks for the record is requested to clearly identify yourself by giving your name, spelling it and identifying who you represent. Is there anyone who cares to be heard? Whoever wants to go first, if you could come up here so we make sure the mike can

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grab what you're saying.

SULLIVAN: I'm Lyne Sullivan. My name is spelled S-U-L-L-I-V-A-N. I'm with the Indiana Apartment Association. We're a trade association representing apartment owners and managers throughout the state of Indiana. My concerns have, mainly deal with three (3) areas in the proposed rule. The first concern has to do with the water lead hazard, which is 410 I. A. C. 32-1-84.5. This section, as I understand it, will make individual property owners responsible for the lead in the water. Our major concern on this is number four (4) that says that lead service line replacement is an option if there's a high level of lead content in the water. Our concern is that you can get a lot of false positives taking water, taking samples at the tap and also it's very costly if you have to re-do the whole service line and put new pipes in, especially for the multi-family buildings and it's very hard to determine where the lead comes into play. It could come from the distribution system or it could come from the individual piping. So we would respectfully request that the option four (4), to have to replace all the

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line, be deleted from this proposed rule. If there's a reason it's not deleted we feel that there needs to be an economic impact study done on that because it is extremely costly to replace all the lead piping or piping in a multi-family affordable housing property. The next section that I have concern is 410 I. A. C. 32-1-60.5 and it has to do with the post-remediation report. Actually the post-remediation report defined and all the things you have to do causes a problem for us that do some of our interim controls. We feel that calling this a post-remediation report will 'cause us who do interim controls to have to follow all these procedures, so we think that the term that best defines this should be called a post-abatement report, so it doesn't fall back into the interim controls and 'cause us to have to do risk assessment and everything else when we might just be re-painting or following our interim controls. The third thing is 410 I. A. C. 32-1-43. There's a new Section 9 that we feel it needs to be deleted. It includes renovation under the interim controls. We feel this broadens the scope and the definition in

1 renovation and it's a big expansion to the  
2 program. If this is the intent to expand this  
3 program then it needs to be completely outlined  
4 and figure out why we're expanding this program  
5 and also the economic impact on this needs to be  
6 provided, on what this will do if we're going to  
7 expand the renovation program. Thank you.  
8 That's all the concerns I have right now.

9 MacKINNON: Thank you.

10 WHITE: I am Gretchen White. First name spelled G-R-E-  
11 T-C-H-E-N, last name is W-H-I-T-E. I am here  
12 today on behalf of the Indiana Builders  
13 Association, a trade association representing  
14 more than three thousand (3,000) member  
15 companies engaged in the building and remodeling  
16 industry across the state. I appreciate the  
17 opportunity to provide some comments on the  
18 proposed rule regarding the lead based paint  
19 activities program. We do believe there are a  
20 number of good provisions in the proposed rule  
21 and improvements to the program which create  
22 efficiencies as well as make it easier for  
23 interested individuals to participate, so I'm  
24 just going to tailor my brief comments to a  
25 couple of concerns that membership has with the

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proposed rule. The lead based paint activities program has been around since the late 1990's and individuals in the industry currently understand the differences between this program and EPA's lead-based paint renovation repair and painting program. Generally there is not a lot of overlap between the two (2) groups as those who wish to work on projects where the intent is to remove a lead based paint hazard work under the lead based paint activities program, while those who perform renovations for the purpose of say updating a bathroom or a kitchen work under the renovation, repair and painting program. The proposed rule either inadvertently or purposely blurs the line between the two (2) regulations by now requiring that those utilizing interim controls during a renovation hold a license under this lead based paint activities program. This is a major change to the rule which would create mass confusion among the industry and would certainly have a fiscal impact for consumers wanting to renovate their homes built prior to 1978. EPA's renovation, repair and painting program includes the use of interim controls in their definition of a

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renovation. I would also note there is concern over which license these renovators would have to hold if the proposal moves forward as it doesn't appear that there is discipline solely for those utilizing interim controls. The current definition of lead based paint activities in the Indiana Code and Administrative Rule utilizes the term "abatement" which in its very definition exempts renovations and interim controls from the program. The EPA and other states utilize the current definition of lead based paint activities and the National Association of Home Builders is unaware of another state whose definition mirrors that of the proposed rule. Additionally, this exact definition changed up here in the introduced version of legislation during the 2009 session, but was amended out by the Bill's author during Committee, so this change would exceed the statute and is contrary to the statutory mandate. Also, I noticed on page forty-four (44) of the proposed rule under the Rule 4 portion there is an amendment to the applicability section to include the interim controls and says those utilizing interim

1 controls must follow procedures and work  
2 practices outlined in the rule. After just  
3 doing a quick search I didn't find any  
4 procedures or work practice standards solely for  
5 the use of interim controls in this portion of  
6 the rule. I did see in another portion of the  
7 rule it added a requirement for renovators to  
8 submit a post-remediation report at the  
9 conclusion of each job, which will again add a  
10 fiscal impact to consumers and doesn't even fit  
11 into the scope of the projects. Renovators  
12 utilizing interim controls under the renovation,  
13 repair and painting program are currently  
14 required to provide a post-renovation report to  
15 consumers, which details what practices were  
16 used, results of any lead testing that was done  
17 and other pertinent information. IBA's  
18 membership is concerned that confusion,  
19 increased regulation and higher job costs can  
20 lead to contractors going underground to perform  
21 services without regard for children living in  
22 the homes. We strongly urge that the two (2)  
23 lead based paint programs be left separate and  
24 for ISDH to reconsider changing the definition  
25 of lead based paint activities, removing

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renovation from the definition of interim controls, removing interim controls from the applicability section and reconsider requiring renovators to submit this post-remediation report. Even if this Administration doesn't intend to interpret the changes in the same manner as IBA, these amendments would open the door to a change in course for this lead program in Indiana by a future Administration. I appreciate the consideration of IBA's comments and would be happy to provide any information or supporting documents.

MackINNON: Thank you.

PERRAS: My name is Jodi Perras. That's spelled J-O-D-I P-E-R-R-A-S. I am Executive Director of Improving Kids' Environment and I am speaking on behalf of Improving Kids' Environment today. We're a non-profit education advocacy organization that works to improve childrens' environmental health in Indiana. I want to thank the State Department of Health for its work on this rule. Certainly the goal is to protect children from lead paint hazards, make sure that activities that are designed to reduce or eliminate lead based paint hazards are done

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in a safe manner. Wherever there might be confusion in the rule by those who have to comply with it, I would certainly encourage and support the willingness of ISDH to clarify and reduce any confusion, but I think that there are elements of this rule that are needed. I think that for example, on the applicability and definitions of what's included within the rule, if a project is designed, the clear issue is intent. If a project is designed to temporarily reduce human exposure or likely exposure, then it's a lead based paint activity and it has to use lead safe practices. If it's not, then it would be a renovation and subject to EPA rules and to the extent that that can be clarified within the rules so that contractors know which is which, that, we would support that. There is a definition of remediation in 410 I. A. C. 29 that mirrors or is very similar to the definition of remediation that's proposed here in 410 I. A. C. 32, so I think that, you know, whatever definition is developed there needs to be consistency between those two (2) rules and whatever the Legislature intended. And I would certainly approach or support that if there is a

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question related to the EPA's, RRP's requirements and the lead based paint activity requirements in this rule that we seek and find some acceptable alternative language or clarification that would help that. We do support the section that applies to water lead hazards. The section is pretty clear, I think, in that it allows the Department to investigate and says that the Department may require action, which include education and a lot of other things. That doesn't mean, that doesn't presume you would have to remove any lead based piping if other measures can address the hazard and certainly would allow the Department to investigate what level of lead might be coming into the property and in terms of from the water service provider and then what level is coming out of the tap at the place where the consumer has to drink or cook with it. That kind of thing could and would be addressed in that investigation and the Department would require appropriate action. And I think that the, well, I would just also say that I will be wanting to submit some written comments in response to some of the other concerns that have been raised

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today. I think that we would certainly want to work together with the Department and other parties to make sure we could come up with language that everybody understands and that isn't confusing so that we can make sure that children are protected from lead based paint hazards. Thank you.

MacKINNON: Is that everyone who wishes to speak? Okay. After seeing and hearing everyone who cares to be heard at this time, I want to thank each of you for your presentations. My report of the hearing will be in writing to the Executive Board of the Indiana State Department of Health for their consideration before final adoption. These proceedings, pursuant to Notice, are hereby concluded. This cause is therefore adjourned until final order of the Executive Board. Thank you all for coming.

1 STATE OF INDIANA )  
2 COUNTY OF LAWRENCE ) SS:  
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4 I, Christie A. Guthrie, a Notary Public in and for the  
5 County of Lawrence, State of Indiana, do hereby certify that  
6 the above and foregoing is a true and accurate transcript of  
7 the Rules Hearing regarding Lead Based Paint Program Rule  
8 Amendments held before Kelly MacKinnon, Hearing Officer for  
9 the Indiana State Department of Health, that the foregoing  
10 hearing was held in the offices of the Indiana State  
11 Department of Health, Two North Meridian Street, Indianapolis,  
12 Marion County, Indiana, on the 21st day of September, 2011;  
13 that said hearing was taken down by means of recording and  
14 afterwards reduced to typewriting by me.

15 I do further certify that I am a disinterested person in  
16 this cause of action; that I am not a relative or attorney of  
17 either party, or otherwise interested in the event of this  
18 action, and am not in the employ of the attorneys for the  
19 respective parties.

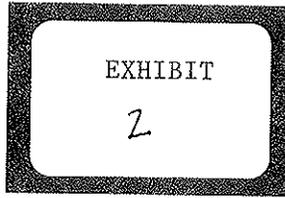
20 IN WITNESS WHEREOF, I have hereunto set my hand and seal  
21 this 5th day of October, 2011.

22  
23 Christie A. Guthrie  
24 Notary Public  
25 A Resident of Lawrence Co., IN

My Commission Expires:  
December 17, 2017



Jonathan Weinzapfel  
Mayor



CITY OF EVANSVILLE



Department of Sustainability  
Energy!Environmental Quality  
100 East Walnut Street  
C.K. Newsome Community Center  
Evansville, Indiana 47713  
Ph: 812/435-6145 Fax: 812/435-6155

September 15, 2011

Indiana State Department of Health  
Office of Legal Affairs  
Attn: Kelly MacKinnon, Hearing Officer  
2 N. Meridian Street, 3<sup>rd</sup> Floor  
Indianapolis, IN 46204

RE: Letter of Support and Comments - Proposed Rule 10-734

Dear Ms. MacKinnon:

The City of Evansville's Department of Sustainability, Energy and Environmental Quality (SEEQ) is pleased to offer this letter of support for Proposed Rule 10-734, which would revise certain sections of 410 IAC 32. SEEQ has collaborated with the Evansville Department of Metropolitan Development, the Vanderburgh County Building Commission and Vanderburgh County Health Department to draft a local Lead Source Health Hazard Control Ordinance, on which we continue to work.

The ISDH Lead and Healthy Homes Program has been an invaluable partner in our efforts to draft an effective and protective municipal ordinance. In that Proposed Rule 10-734 will update and clarify 410 IAC 32, SEEQ respectfully offers the following observations and comments:

Please consider revising **410 IAC 32-1-10 "Clearance examination"** as follows:

Sec. 10. "Clearance examination" means an activity conducted by an Indiana licensed clearance examiner for the purpose of establishing proper completion of interim controls. ~~Interim controls are defined by the U.S. Department of Housing and Urban Development (HUD) in 24 CFR 35.110\*, Lead-based paint poisoning and prevention in certain residential structures; definitions. \*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana State Department of Health, Indiana Lead and Healthy Homes Program, Fifth Floor, 2 North Meridian Street, Indianapolis, Indiana 46204.~~

Interim controls are defined at 410 IAC 32-1-43; the HUD definition is worded differently and is unnecessary.

Please consider revising **410 IAC 32-1-12 "Clearance levels"** to include the clearance levels for lead in dust:

- (i) Forty (40) micrograms per square foot for floors.
- (ii) Two hundred fifty (250) micrograms per square foot for interior window sills.
- (iii) Four hundred (400) micrograms per square foot for window troughs.

Please consider revising **410 IAC 32-1-28.5 "Dust Sampling Technician"** to read as follows: "Dust Sampling Technician" means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities, **and renovation, repair or painting activities subject to 40 CFR 745 Subpart E,** ~~rehabilitation that disturbs painted surfaces and maintenance activities required under the~~

U.S. Department of Housing and Urban Development's ("HUD's") regulation to address lead hazards. A dust sampling technician is not permitted to conduct clearance after abatement activities.

Please consider revising **410 IAC 32-1-43 "Interim Controls"** to delete **(9) Renovation**. Including "renovation" as an interim control measure would make renovation activities subject to 410 IAC 32, including licensing requirements and work practices. Rather, SEEQ encourages the ISDH to continue to work toward obtaining legislative authorization to implement 40 CFR 745 Subpart E Residential Property Renovation, known as the RRP, as a state rule.

SEEQ respectfully suggests that **410 IAC 32-1-46 "Lead-based paint"** which currently reads, "Lead-based paint" means paint or another surface coating that contains lead in an amount equal to or greater than:

- (1) one (1) milligram per square centimeter; or
- (2) five-tenths percent (0.5%) by weight."

should be revised to be consistent with the lead levels found in 16 CFR 1303(2) which reads "*Lead-containing paint* means paint or other similar surface coating materials containing lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent (0.06 percent is reduced to **0.009 percent effective August 14, 2009**) by weight of the total nonvolatile content of the paint or the weight of the dried paint film."

Please consider revising **410 IAC 32-1-52.5 "Maintenance Activities"** to clarify if the subject maintenance activities are those conducted as an "interim control" or general maintenance activities, such as changing furnace filters or unclogging a drain.

Please consider revising **410 IAC 32-4-7 "Lead abatement procedures; interior"** to require the removal of carpeting or to require that the carpeting be cleaned professionally as part of the post-remediation clearance procedures. If 410 IAC 32-4-7 is revised as suggested, 410 IAC 32-4-9 "Post-remediation clearance procedures" should also be revised.

Please consider revising **410 IAC 32-4-8 (3) "Lead abatement procedures; exterior"** to add "(E) If debris continues to escape after vertical shrouds have been installed, work shall cease until wind speed decreases sufficiently to allow work to resume."

SEEQ supports the proposed requirement that documentation of inspections, risk assessments and lead hazard screens be submitted in "the format prescribed by the department with five (5) business days after completing the report". SEEQ respectfully suggests that the ISDH require inspections, risk assessments and lead hazard screen reports be provided to the building occupants, if the occupants do not own the building, within a reasonable time frame.

Thank you for your continued efforts to prevent lead poisoning and make Indiana a safer place for all. If I can be of assistance, please do not hesitate to contact me.

Respectfully,



Dona J. Bergman  
Executive Director

Pc: Mr. David McCormick, Director Indiana State Department of Health Lead and Healthy Homes Program  
Dr. Raymond Nicholson – Vanderburgh County Health Officer  
Mr. David Gries – Director, Environmental Health Division, Vanderburgh County Health Department,



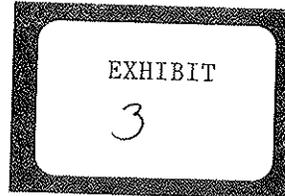
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
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CHICAGO, IL 60604-3590

SEP 23 2011

REPLY TO THE ATTENTION OF:

LC-8J

Kelly MacKinnon, Hearing Officer  
Indiana State Department of Health  
Office of Legal Affairs  
2 North Meridian Street, 3<sup>rd</sup> floor  
Indianapolis, Indiana 46204



Dear Ms. MacKinnon:

Please allow this letter to serve as support for the Indiana State Department of Health's (ISDH's) rule revision to Indiana's Administrative Code 410, Chapter 32, Lead-based Paint Program. The U.S. Environmental Protection Agency, Region 5 has had the privilege of working with ISDH on lead-based paint program issues since October 2007, and we applaud ISDH's efforts to effect positive change.

This rule revision will make marked improvements to the efficiency and efficacy of the program. EPA commends ISDH for holding a stakeholders meeting on November 8, 2010 to hear concerns from licensed risk assessors, lead supervisors, training course providers, the EPA and an advocacy representative. The result of this meeting is a meaningful proposed revision to the Indiana Lead-based Paint Program rules.

The EPA encourages ISDH to pursue the following specific changes outlined in the proposed revised rule which relates directly to the EPA's lead-based paint abatement program under Section 402(a) of the Toxics Substances Control Act, and the corresponding federal regulations found at 40 CFR Part 745:

1. The addition of the proposed definition for the term "dust sampling technician."
2. The clarification that a renovation activity does not include an activity that was conducted to solely remediate a lead hazard, including interim controls and abatement.
3. The addition of an ability for training providers to offer on-line training for the lecture portion of all lead discipline courses in lieu of a classroom lecture to reduce the cost of both initial and refresher training courses for the regulated workforce. This option would reduce travel expenses and time away from the worksite for the participant and the employer/business.

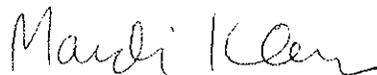
ISDH may also wish to consider the following comments on the proposed revised rule, offered by the EPA with the intent of suggesting best practices to strengthen the state's administration and enforcement of its rule:

1. The addition of the definitions for the following terms: a) maintenance activities, b) post-remediation report, c) remediation, and d) water lead hazard will help ISDH with the implementation of the rule.
2. The requirement that all lead inspections, risk assessments and lead hazard screens be reported to ISDH within five days of completion will assist ISDH with the reporting requirements outlined in the notice of grant award from the EPA. ISHD must be able to report to EPA on a regular basis the accurate number of lead inspections, lead risk assessments and lead hazard screens being conducted in Indiana.
3. For the proposed provision to allow for electronic submission of reports, license renewals and correspondence to EPA, current technology should be utilized to the fullest to reduce financial and time burdens on the regulated community, but should also comply with all state and federal requirements and guidelines related to electronic submissions of information.
4. Soil lead hazards of 5,000 parts per million (ppm) or greater may be subject to remediation or abatement under other state or federal regulations.

The EPA suggests that the proposed rule revision allowing for an individual with a bachelor's degree and less than one year of experience to become a licensed risk assessor not be included in the final rule. Although EPA recognizes that ISDH was proposing to create a mentoring program for individuals with less than the required year of experience as a way to increase employment opportunities, the EPA is not certain this proposed revision could be deemed "as protective as" the federal rule. Therefore, EPA is requesting that ISDH remove this proposed revision, at least until EPA has had time to fully consider this matter and the consequences of such language on its authorized lead-paint programs.

We would like to thank you for your consideration of these comments. If there are questions, please contact Tony Martig, Chief, Toxics Section, at (312) 353-2291.

Sincerely,



Mardi Klevs, Chief  
Chemicals Management Branch  
Land and Chemicals Division

cc: Mr. Dave McCormick, ILHHP