

Readoption Review

Inspection and Cleanup of Property Contaminated with Chemicals Used in the Illegal Manufacture of a Controlled Substance

410 IAC 38

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

This rule creates remediation standards for a site that has been contaminated by the illegal manufacture of a controlled substance, the requirements to become a qualified inspector, the procedures for the issuance of a certification of decontamination, and the requirements for the documentation of remediation.

Readoption Analysis:

- 1) **Is there a continued need for this rule? Please explain.**
Yes, there is a continued need to protect human health by assuring that identified properties formerly used in the illegal controlled substance manufacturing are properly evaluated, decontaminated, tested and fit for re-occupancy.

- 2) **What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**
The agency has not received any complaints concerning the rule or the implementation of the rule by the agency. The comments received have been positive about the agency's implementation and its focus on protecting human health.

- 3) **Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**
This rule is not complex. The agency has not encountered any difficulties administering it, and small businesses have not had difficulties complying with it.

- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**
The rule does not overlap or conflict with other federal, state or local laws, rules, regulations or ordinances.

5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

This rule, first adopted in 2007 as 318 IAC 1-1 was readopted in its entirety in 2013 (20130904-IR-31813020RFA) and reassigned by the Legislative Services Agency to 410 IAC 38 to reflect the transfer of the program from the Indiana Department of Environmental Management to the Indiana State Department of Health. Despite the transition between agencies, factors have not changed since the rule was first adopted.

08/01/19

