

# Welcome!

**The meeting will begin soon.**

**Renovate, Repair, and Paint Rulemaking**

**Stakeholder Meeting**

**December 20, 2024**

**10:00 – 11:30 a.m.**



## **Renovate, Repair, and Paint Rulemaking**

- ❖ RRP Program overview
- ❖ RRP Rule Draft
- ❖ Crosswalk
- ❖ MDH vs EPA Differences
- ❖ Recordkeeping Compliance
- ❖ Notice of Hearing
- ❖ How to Participate in this Rulemaking
- ❖ Questions

# Land Acknowledgement

Every community owes its existence and vitality to generations from around the world who contributed their hopes, dreams, and energy to making the history that led to this moment. In Minnesota, we are standing on the ancestral lands of the Dakota people. We want to acknowledge the history of this land, including the Dakota, the Ojibwe, the Ho-Chunk, and the other nations of people who also called this place home. Native peoples were removed unjustly, and we in this space are the beneficiaries of that removal. At MDH, as we understand that land is related to health, we want to be a good steward of the land we are on. This acknowledgement is just one piece of that. We understand the systemic racism, historic trauma, and genocide that has impacted Indigenous communities and peoples in our state.

We recognize that a land acknowledgement is a first step. We support this action with resources and shared decision-making to meet Tribal public health priorities and needs. With our Indigenous neighbors and coworkers, we can advance health equity and work to ensure all communities across the state are thriving and all people have what they need to be healthy.

We encourage state employees and the public to research the history of the lands we are on and if you are able, find Native-led events to attend, organizations to support, and causes to champion.


# Tribal-State Relations Statement

The State of Minnesota is home to 11 federally recognized Indian Tribes with elected Tribal government officials. The State of Minnesota acknowledges and supports the unique political status of Tribal Nations across Minnesota and their absolute right to existence, self-governance, and self-determination. This unique relationship with federally recognized Indian Tribes is cemented by the Constitution of the United States, treaties, statutes, case law, and agreements. The State of Minnesota and Tribal governments across Minnesota significantly benefit from working together, learning from one another, and partnering where possible.

The Minnesota Department of Health recognizes, values, and celebrates the vibrant and unique relationships between the 11 Tribal Nations and the State of Minnesota. Partnerships formed through government-to-government relationships with these Tribes will effectively address health disparities and lead to better health outcomes for all of Minnesota.

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# **What is the Renovate, Repair, and Paint Program?**



# Renovate, Repair, and Paint Program

- The Environmental Protection Agency's (EPA) lead-based paint rule, which aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities in pre-1978 housing, including child-occupied facilities.
- These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed.
- The rule requires workers to be trained in the use of lead-safe work practices, and requires renovation, repair, and painting firms to be EPA-certified.
- These requirements became effective in April 2010.

# Renovate, Repair, and Paint Program (continued)

- EPA enforces RRP nationally from one of its 10 regional offices. For Minnesota, this is Region 5 in Chicago.
- Currently, 15 states, and the Minnesota Chippewa Tribe – Bois Forte, have received EPA authorization to administer and enforce RRP.
- The MN Legislature directed MDH to adopt rules governing RRP in order to administer and enforce the program.
- MDH intends to propose these rules in 2025.



# RRP Rule Draft

# Where to Find the Rule Draft

The latest version of the rule draft is available at:

[www.health.state.mn.us/communities/environment/lead/rules/rrp/index.html](http://www.health.state.mn.us/communities/environment/lead/rules/rrp/index.html)

# Crosswalk

## **What is the Crosswalk?**

- The crosswalk compares EPA's RRP program regulations and the relevant sections of the federal Lead-based Paint Activities regulations with MDH draft proposed rules.

## **Why did we create this document?**

- For states or Tribes seeking program authorization, this document is needed to comply with EPA's requirement "to provide an analysis and comparison of MDH's program that compares MDH's program rules to the federal program."

## Where to find it

On the RRP rulemaking website:

<https://www.health.state.mn.us/communities/environment/lead/docs/crosswalk1224.pdf>

# Differences - MDH vs EPA

## Fees

- Annual certification and permit fees under Minnesota Statutes, section 144.9505 will apply once MDH begins administering the program.
- These fees are set in statute by the Legislature and cannot be amended in rule.
- EPA and MDH will notify existing license and certification holders in Minnesota of the change.

# Program Fees

	<u>MN/EPA</u>	<u>MN/EPA</u>
Certified renovation firm	\$100/\$300	2 yrs/5 yrs
Initial training course permit (initial)	\$500/\$560	2 yrs/4 yrs
Initial training course permit (renewal)	\$250/\$340	2 yrs/4 yrs
Refresher training course (initial)	\$250/\$400	2 yrs/4 yrs
Refresher training course (renewal)	\$250/\$310	2 yrs/4 yrs
Lost certificate fee	\$0/\$15	



MDH is requiring that certified renovation firms maintain the same records as EPA, with some exceptions:

- Most of the documentation is maintained in a **work plan** that must be available on-site.
- Sign-in/sign-out sheet (workplan, page 9 - 10).
- At the end of the project, this documentation becomes the primary portion of the project report.

On-site inspections will occur from time to time. For this reason, certified renovation firms must have project documentation on-site for review by MDH inspectors. Documentation can be in hard copy, or provided electronically (tablet/iPad, laptop).

***MDH will perform on-site inspections:***

- When asked by a certified renovation firm.
- If MDH receives a complaint or tip.
- If MDH is otherwise informed of improper work practices or other concerns at a project site.

## **Use of water**

- MDH is requiring the use of water (ie – misting surfaces) when disturbing all painted surfaces to be disturbed during renovation to prevent the spread of dust and debris.
- This practice is consistent with HUD guidelines and is also recommended by EPA in its guidance materials.

## **Waste removal**

- MDH incorporated EPA's own guidance on collecting and containing renovation waste in a bag and sealing the bag with a gooseneck knot.

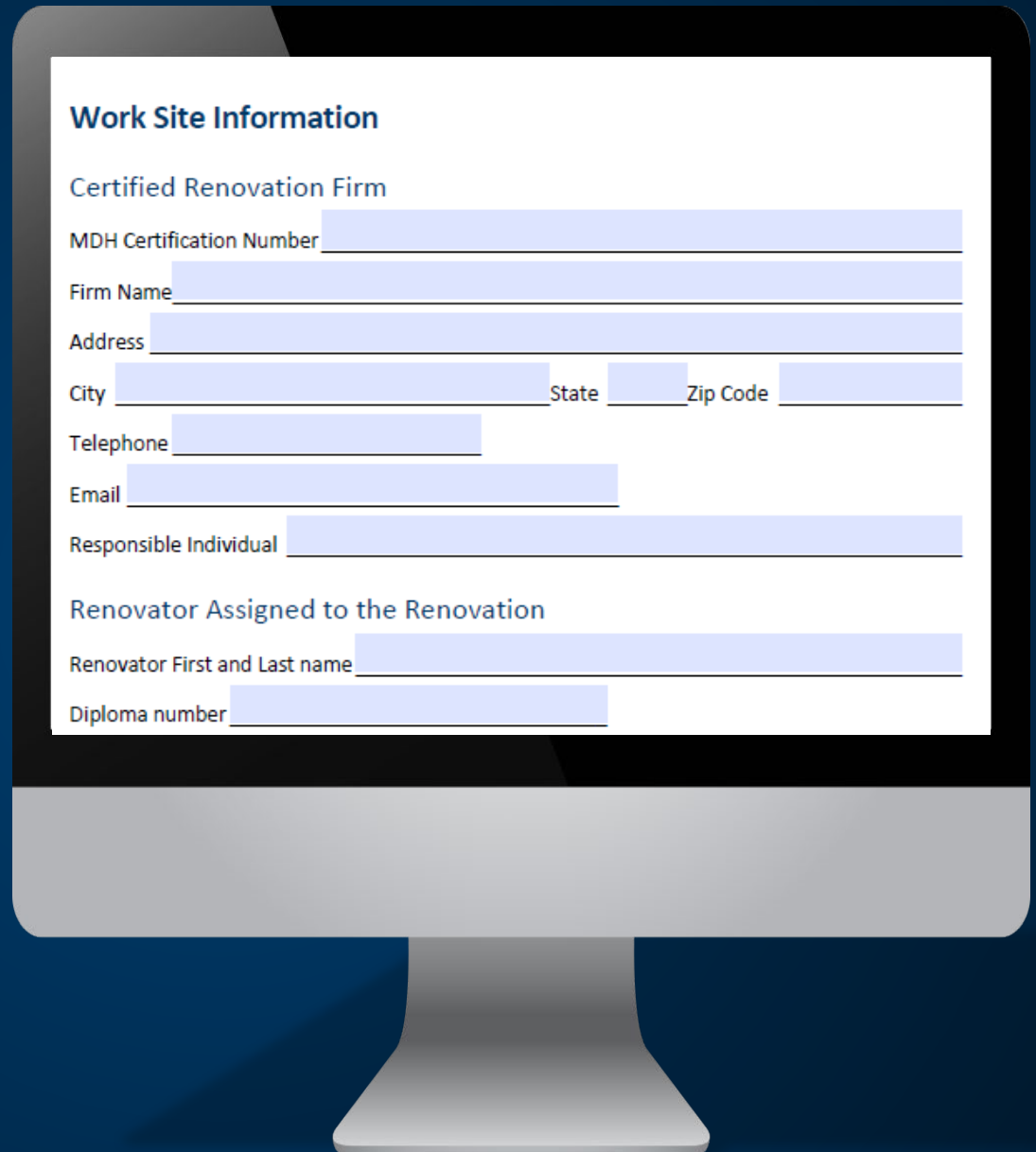
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# Recordkeeping Compliance

A solid dark blue horizontal bar at the bottom of the slide.

# Work Plan

- Fillable PDF
- Can be downloaded and printed
- Contains all information needed to comply with on-site work plan requirements (4620.6150, Subp. 2)



**Work Site Information**

Certified Renovation Firm

MDH Certification Number

Firm Name

Address

City  State  Zip Code

Telephone

Email

Responsible Individual

Renovator Assigned to the Renovation

Renovator First and Last name

Diploma number

# Notice of Hearing



## What is the Purpose of a Notice of Hearing?

It is legal notification that the Department is planning to adopt the proposed rules after a public hearing.

The Notice of Hearing contains information relevant to the rulemaking including:

- Subject and scope of rules
- Hearing date
- Hearing location (virtual)
- How to obtain copies of the rule draft and Statement of Need and Reasonableness
- Comment period duration
- How to comment
- Agency contact person

# Notice of Hearing - continued

- You and/or your organization will be notified by email.
- Publication of the Notice of Hearing starts the official 30-day comment period.

## **Minnesota State Register website**

[Minnesota State Register / Minnesota.gov \(mn.gov\)](https://mn.gov/admin/bookstore/register.jsp)  
(<https://mn.gov/admin/bookstore/register.jsp>)

## **MDH RRP Rulemaking website**

[Minnesota Lead Renovation, Repair, and Paint \(RRP\) Rule Revision - MN Dept. of Health \(state.mn.us\)](https://www.health.state.mn.us/communities/environment/lead/rules/rrp/index.html)  
(<https://www.health.state.mn.us/communities/environment/lead/rules/rrp/index.html>)



# How to Participate in the Rulemaking

# How to Participate

Office of Administrative Hearings website (<https://mn.gov/oah/>)

[Rulemaking e-Comments / Office of Administrative Hearings \(OAH\) \(mn.gov\)](https://mn.gov/oah/forms-and-filing/ecomments/)

[\(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/)

→ ↻ 🏠 <https://mn.gov/oah/forms-and-filing/ecomments/> 🔍 🏠 ⌂

## Forms & Filing

Home > Forms & Filing > Rulemaking eComments

### FORMS & FILING

- > Forms
- > How to File
- > eFiling
- > Filing Fees and Rates
- > Rulemaking eComments

### Rulemaking eComments Website

OAH has launched a user-friendly and centralized rulemaking [eComments](#) website to enable the public to better participate in an efficient and open rulemaking process.

The rulemaking [eComments](#) website allows the public to:

- **Find** rulemaking matters open for comment
- **Download** an agency's rulemaking materials (e.g. proposed rules, applicable public notices, the agency's Statement of Need and Reasonableness, and related exhibits)
- **Review** comments submitted by the public on pending rulemaking matters
- **Submit** comments on pending rulemaking matters

To locate rules open for comment, visit the rulemaking [eComments](#) website at: <https://minnesotaoah.granicusideas.com/>.

## eComments mainpage

[Office of Administrative Hearings Comments On Rules \(granicusideas.com\)](https://minnesotaoah.granicusideas.com)

<https://minnesotaoah.granicusideas.com>

The screenshot shows the top navigation bar with 'Home' and 'Discussions' links, a 'Select Language' dropdown, and 'Sign In' and 'Sign Up' buttons. Below the navigation is the Minnesota Office of Administrative Hearings logo and contact information: a phone icon with '(651) 361-7900' and an email icon with 'oah.webmaster@state.mn.us'. The main content area is titled 'COMMENT ON PROPOSED RULES' and contains the following text:

**Your Views Are Important.** Your comments let the agency know what you support, what you oppose, and any improvements you'd like to make to proposed rule language.

**Timing Matters.** In most cases, you have one, and sometimes two, opportunities to make comments:

- **Initial Comments** - You can comment on the proposed rules for a specified number of days until 4:30 pm on the final specified day.
- **Rebuttal Comments** - For an additional number of days, you can file comments in response to the comments filed by others during the Initial Comment period until 4:30 pm on the final specified day.

On the right side of the page, there is a 'SIGN UP' section with a 'Connect' button (with a Facebook icon) and an input field for 'email address...' with a 'Sign Up' button. Below this is a 'RECENT ACTIVITY' section with a list of recent discussions:

- Ian Lewenstein answered a Discussion
- Bonnie LaPlante answered a Discussion
- Phil Duran answered a Discussion

# How to Participate

Then click on **Discussions** tab and search for the rulemaking that interests you.

[Office of Administrative Hearings Comments On Rules \(granicusideas.com\)](https://minnesotaoah.granicusideas.com)

<https://minnesotaoah.granicusideas.com/discussions>

Home Discussions Select Language Sign In ★ Sign Up

**mn MINNESOTA**  
OFFICE OF ADMINISTRATIVE HEARINGS

(651) 361-7900  
oah.webmaster@state.mn.us

Open Discussions Closed Discussions

**Discussion: 38469 Minnesota Department of Labor and Industry Notice of Hearing (Initial Comment Period)**

NOTICE OF HEARING

Possible Amendments to Rules Governing the Minnesota Residential Energy Code, Minnesota Rules, Chapter 1322

OAH Docket No. 8-9001-38469

1 Topics 1 Attachments 0 Answers Closes 2022-09-12 [View Discussion](#)

SIGN UP [Connect](#)

email address... [Sign Up](#)

**RECENT ACTIVITY**

- Ian Lewenstein answered a Discussion
- Bonnie LaPlante answered a Discussion
- Phil Duran answered a Discussion
- Katelyn Huberty answered a Discussion

# How to Participate

Scroll down to “**How to Use the Rulemaking eComments Website**” for step-by-step instructions and Frequently Asked Questions document

[Rulemaking e-Comments / Office of Administrative Hearings \(OAH\) \(mn.gov\)](https://mn.gov/oah/forms-and-filing/ecomments/)  
(<https://mn.gov/oah/forms-and-filing/ecomments/> )

## *How to Use the Rulemaking eComments Website*

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Click on these overviews of the eComments process:

- [Step-by-step Instructions](#)
- [Frequently Asked Questions](#)



**Important:** All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Office of Administrative Hearings does not edit or delete submissions that include personal information. **We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, bullying, or that contain any other inappropriate or aggressive behavior without prior notification.**

## Providing Comments

- At a minimum, you can state that you support or oppose the whole rule.
- For specific comments, it is helpful to provide the specific citation(s).
- Describe what concerns you and why.
- Provide, if possible, alternative language that addresses your concern.

## Things to remember when commenting

- Comments accepted during the 30-day comment period after the Notice of Hearing has been published are part of the public record.
- Administrative Law Judge reviews all comments when preparing the Order on Review of Rules.



# Thank You!

**Jacque Cavanagh, Rules & Policy Coordinator**

[jacqueline.cavanagh@state.mn.us](mailto:jacqueline.cavanagh@state.mn.us)

**Bruce Lange, Supervisor, Asbestos & Lead Unit**

[bruce.lange@state.mn.us](mailto:bruce.lange@state.mn.us)