



PERMANENT ADMINISTRATIVE ORDER

PH 200-2022

CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: LeadBased Paint Program - Updating rules to align with current version of Code of Federal Regulations

EFFECTIVE DATE: 10/19/2022

AGENCY APPROVED DATE: 10/03/2022

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RULES:

333-069-0100, 333-070-0200

AMEND: 333-069-0100

RULE TITLE: Federal Regulations Adopted by Reference

NOTICE FILED DATE: 08/29/2022

RULE SUMMARY: OAR 333-069-0100: Amend to adopt by reference the most current version of 40 CFR 745 last revised on July 1, 2021

RULE TEXT:

(1) The Oregon Health Authority (Authority) is authorized to administer the lead-based paint activities program under ORS 431A.355 and 40 Code of Federal Regulations (CFR) 745.324. The Authority's rules must be no less stringent than the U.S. Environmental Protection Agency's (EPA's) rules in 40 CFR 745 Subparts D and L.

(2) The Authority adopts by reference 40 CFR 745, Subpart D — Lead-Based Paint Hazards, and Subpart L — Lead-Based Paint Activities, revised as of July 1, 2021, except as described in section (3) of this rule and except for:

(a) 40 CFR Part 745.225(g) and (h);

(b) 40 CFR 745.235;

(c) 40 CFR 745.237; and

(d) 40 CFR 745.239.

(3) Notwithstanding 40 CFR 745 Subpart D and L:

(a) All fees are as established in OAR 333-069-0120;

(b) All certification, recertification, accreditation and reaccreditation periods are as established in OAR 333-069-0120;

(c) Notices required to be sent to EPA under 40 CFR 745.225(c)(13)(vi) and (14)(iii) must be sent to the Authority at 800 NE Oregon Street, Suite 640, Portland, OR 97232 or to leadprogram@odhsoha.oregon.gov; and

(d) Where "Administrator" or "EPA" appears in 40 CFR Part 745, "OHA" or "Authority" is substituted, unless the context suggests otherwise.

STATUTORY/OTHER AUTHORITY: ORS 431A.355

STATUTES/OTHER IMPLEMENTED: ORS 431A.355, 431A.358

AMEND: 333-070-0200

RULE TITLE: Federal Regulations Adopted by Reference

NOTICE FILED DATE: 08/29/2022

RULE SUMMARY: OAR 333-070-0200: Amend to adopt by reference the most current version of 40 CFR 745 last revised on July 1, 2021

RULE TEXT:

(1) The Oregon Health Authority (Authority) is authorized to administer the lead-based paint activities program under ORS 431A.355 and 40 Code of Federal Regulations (CFR) 745.324. The Authority's rules must be no less stringent than the U.S. Environmental Protection Agency's (EPA's) rules in 40 CFR 745 Subparts D, E and L.

(2) The Authority adopts by reference 40 CFR 745, Subpart D — Lead-Based Paint Hazards, Subpart E — Residential Property Renovation and Subpart L — Lead-Based Paint Activities, revised as of July 1, 2021, except as described in section (3) of this rule and except for:

(a) 40 CFR Part 745.87;

(b) 745.91; and

(c) 745.225(g) and (h).

(3) Notwithstanding 40 CFR 745 Subparts D, E and L:

(a) All fees are as established in OAR 333-070-0220;

(b) All certification, recertification, accreditation and reaccreditation periods are as established in OAR 333-070-0220;

(c) Notices required to be sent to EPA under 40 CFR 745.225(c)(13)(vi) and (14)(iii) must be sent to the Authority at 800 NE Oregon Street, Suite 640, Portland, OR 97232 or leadprogram@odhsoha.oregon.gov; and

(d) Where "Administrator" or "EPA" appears in 40 CFR Part 745, "OHA" or "Authority" is substituted, unless the context suggests otherwise.

STATUTORY/OTHER AUTHORITY: ORS 431A.355

STATUTES/OTHER IMPLEMENTED: ORS 431A.355, 431A.358