

**Minnesota Department of Health**

**ORDER ADOPTING RULES**

**Adoption of Rules Governing Residential Lead Abatement, Minnesota Rules, 4761.2510; Revisor's ID Number 4694, OAH docket number 65-9000-38460**

**BACKGROUND INFORMATION**

1. The Department of Health has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. The agency received one written comment and 18 persons requested a public hearing, 11 of whom subsequently withdrew their requests. Therefore, there are not 25 or more outstanding requests for a public hearing. The agency received no requests for notice of submission to the Office of Administrative Hearings.

3. Following its proposal of the rule, the agency modified it by deleting proposed part 4761.2510, subpart 5, as requested by the persons requesting a public hearing. This minimal modification does not render the rule substantially different under Minnesota Statutes, section 14.05. Instead, it falls within the scope of the matter announced in the Notice of Intent to Adopt, which proposed to add a new subpart 5 to part 4761.2510. In response to the Notice, several persons requested hearings on the grounds that they wished for this new subpart 5 to be deleted from the revised rule. That the modification was called for in public responses to the Notice is evidence that the public had fair warning the rulemaking proceedings could result in such modification. This change does not affect the operation of the rule today; instead, it merely eliminates an automatic incorporation of any future updates by the federal government to those standards addressed by the now-removed subpart. Accordingly, this small but meaningful revision does not render the rule substantially different.

4. The rules are needed and reasonable.

**ORDER**

The above-named rule, with the modifications as indicated in the Revisor's draft, file number AR4694, dated September 28, 2022, is adopted.

December 1, 2022

Date



Jan Malcolm, Commissioner  
Department of Health