



# Lead Abatement Enforcement Penalty

Fiscal Impact (\$000s)	FY 2014	FY 2015	FY 2016	FY 2017
State Government Special Rev				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	0	0	0	0

## Summary

This proposal amends the Health Enforcement Consolidation Act (HECA) to be consistent with the U.S. Environmental Protection Agency (EPA) for lead abatement compliance activities. This will allow Minnesota to retain authorization to enforce and implement rules under EPA’s lead regulations.

## Background

A minor change to the HECA, Minnesota Statutes, section 144.99, subdivision 4, will give the Minnesota Department of Health (MDH) the ability to issue a \$5,000 per violation per day penalty for specific lead regulated work activity violations. The proposed change will allow MDH to become a USEPA State Authorized lead program and to administer federal lead regulations at the state level. Without this authority the state will have a gap in protecting workers and the public from lead exposure and poisonings. MDH has been given similar enforcement penalty authority to meet USEPA regulatory requirements for its Drinking Water Protection program. Although MDH does not anticipate having to use this increased penalty authority, it is a requirement by USEPA to maintain existing authorization and obtain additional authorization status for the lead programs.

## Proposal

This proposal amends language in Minnesota Statutes, section 144.99, subdivision 4, of the Health Consolidation Enforcement Act to allow MDH authority to issue fines to be consistent with US EPA’s §745.327 (3) (ii) requirement. The proposed change emulates the department’s Drinking Water Protection program authority to meet USEPA enforcement requirements. The proposed change adds this subsection: (c) Notwithstanding paragraph (a), the commissioner may issue to a certified lead firm or person performing regulated lead work, an administrative penalty order imposing a penalty of at least \$5,000 per violation per day, not to exceed \$10,000 for each violation of sections 144.381 to 144.385 and rules adopted thereunder.

## Rationale

Losing the ability to manage federal lead standards at the state level would increase the risk of Minnesotans becoming lead poisoned. Maintaining status as an EPA-authorized program ensures the lead abatement program remains a Minnesota program and is not lost to USEPA in 2014. It will also allow MDH and local agencies to meet application requirements for state HUD funding of lead hazard reduction and healthy homes grants.

### For more information:

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