

**HB 2077 STAFF MEASURE SUMMARY**

Carrier: Rep. Schouten

**House Committee On Health Care****Action Date:** 03/04/21**Action:** Do Pass.**Vote:** 10-0-0-0**Yeas:** 10 - Alonso Leon, Campos, Dexter, Drazan, Hayden, Moore-Green, Noble, Prusak, Salinas, Schouten**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Oliver Droppers, LPRO Analyst**Meeting Dates:** 2/2, 3/4**WHAT THE MEASURE DOES:**

Modifies standards related to best practices for conducting lead-based paint inspections to include hazard control. Authorizes Oregon Health Authority (OHA) to contract with a third party to obtain a lead-based paint risk assessment or control paint hazards identified by a risk assessment. Modifies the statutory process and increases authority to impose civil penalties related to lead-based paint activities including abatement or control. Grants OHA authority to file a lien on property if civil penalties are unpaid. Specifies rights and processes for hearing and judicial review of civil penalties. Requires moneys received through civil penalties be used to fund lead poisoning prevention and related activities. Becomes operative January 1, 2022. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Lead exposure and its adverse health effects among children; lead poisonings prevention
- Delegated federal authority allowing the OHA to regulate lead-based paint among residential facilities
- Ability for OHA to exercise discretion regarding civil penalties; options for payment if agency issues a civil penalty
- History of enforcement cases; vast majority of cases are landlords and residential housing units
- After a judicial review becomes final, limited number of days when costs incur if an individual fails to comply with order (within 10 days)

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The federal [Renovation, Repair and Painting Rule](#) (RRP) requires contractors, agencies, and businesses conducting renovation, repair, and painting on pre-1978 homes and child-occupied facilities be certified in lead-safe work practices. The Environmental Protection Agency (EPA) issued the RRP rule on April 22, 2008 to protect children and adults against the hazardous lead dust and chips that are disturbed during common renovation activities like sanding or scraping of surfaces; removal of walls, ceilings, plumbing, or windows; restoring building surfaces; and weatherization.

In 2010, EPA gave the Oregon Construction Contractors Board and the Oregon Health Authority (OHA) the authority to jointly administer the rule in Oregon. OHA's Lead-Based Paint Program regulates the activities of businesses, agencies, and individuals who work with lead-based paint by enforcing state regulations, overseeing professional training and certification, and responding to concerns about the health effects from exposure to lead. Current law allows OHA to certify companies that perform lead-based paint activities, to inspect properties to determine compliance; to suspend, revoke, or modify a company or individual certified to perform lead-based

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activities or renovation; and authority to issue a civil penalty of not more than \$5,000 for violations related to lead-based paint activities (ORS Chapter 431A).

House Bill 2077 grants the Oregon Health Authority's Lead-Based Paint Program additional authority to clean up lead-based paint hazards.