

HB 2077 STAFF MEASURE SUMMARY

Carrier: Sen. Patterson

Senate Committee On Health Care

Action Date: 04/28/21
Action: Do pass.
Vote: 4-0-1-0
Yeas: 4 - Beyer, Knopp, Manning Jr, Patterson
Exc: 1 - Heard
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Oliver Droppers, LPRO Analyst
Meeting Dates: 4/21, 4/28

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:

- Minimize health hazards from lead-based paint and related contamination
- Exposure levels among Oregon children and elevated blood level with lead
- Federal law and lead-based paint regulations including child-care and school facilities

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 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.

This summary has not been adopted or officially endorsed by action of the committee.