

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 388**

**Representatives Baker, White**

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**A BILL**

To enact section 3742.11 of the Revised Code to  
authorize the Director of Health to enter into  
agreements with the U.S. Environmental  
Protection Agency for the administration and  
enforcement of the federal Renovation, Repair,  
and Painting Rule.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3742.11 of the Revised Code be  
enacted to read as follows:

**Sec. 3742.11.** (A) As used in this section, "renovation,  
repair, and painting rule" means the rule adopted by the United  
States environmental protection agency pursuant to the "Toxic  
Substances Control Act of 1978," 15 U.S.C. 2601.

(B) The director of health may enter into agreements with  
the United States environmental protection agency for the  
administration and enforcement of the renovation, repair, and  
painting rule. The director also may accept available assistance  
in support of any agreement.

(C) The director may adopt rules in accordance with  
Chapter 119. of the Revised Code to develop the renovation,

repair, and painting program and for the administration and 20  
enforcement of this section. If the director adopts such rules, 21  
the director shall specify all of the following in the rules: 22

(1) Provisions governing application for certification, 23  
approval and denial of certification, and renewal, suspension, 24  
and revocation of certification under this section; 25

(2) Fees for any certification issued or renewed under 26  
this section. The certification fees charged over any ten-year 27  
period shall not exceed the fees charged for certification under 28  
the federal program over that same ten-year period. 29

(3) Requirements for training and certification, which 30  
shall include levels of training and periodic refresher training 31  
for certifications issued under this section; 32

(4) Procedures to be followed by a person certified under 33  
this section to undertake renovation, repair, and painting 34  
projects and to prevent public exposure to lead hazards and 35  
ensure worker protection during renovation, repair, or painting 36  
projects; 37

(5) Provisions governing the imposition of civil penalties 38  
for violations of procedures adopted under this section. The 39  
rules shall specify that civil penalties shall not exceed five 40  
thousand dollars per violation. The rules also shall include 41  
provisions for warnings, education, and remediation prior to and 42  
in lieu of the imposition of any civil penalty. 43

(6) Record-keeping and reporting requirements for a person 44  
certified under this section; 45

(7) Procedures for the approval of training providers 46  
under this section, including specific training course 47  
requirements; 48

(8) Any other procedures and requirements that the 49  
director determines necessary for the implementation of this 50  
section. 51

(D) If the director adopts rules under division (C) of 52  
this section, the director also shall conduct educational 53  
outreach and provide access to educational resources to promote 54  
the renovation, repair, and painting program and support those 55  
involved in the program. 56

(E) Notwithstanding any provision of section 121.95 of the 57  
Revised Code to the contrary, a regulatory restriction contained 58  
in a rule adopted under this section is not subject to sections 59  
121.95 to 121.953 of the Revised Code. 60