

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: July 25, 2023

Regulation No:	2023-12
Agency:	Department of Public Health
Subject Matter:	Lead Dust Hazard Standards and Clearance Levels
Statutory Authority: (copy attached)	19a-111c

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

1. Throughout the proposed regulations, the designator of the subsection or subdivision being amended should be included in the text, for proper form. For example, in Section 1, the text should read, "(62) "X-ray fluorescence analyzer (XRF)""
2. Throughout the proposed regulations, page numbers should be inserted, for proper form.
3. In the introductory language of sections 2 and 3, "**Section**" should be "**Sec.**", for proper form.
4. On page 1, in section 19a-111-3(j), in the second line, "following amounts:" should be "following.", to reflect the text of the current regulation; in the fifth line, "A dust-lead hazard" should be "For the purpose of assessing the level of risk from lead dust, a dust-lead hazard", for clarity; and in the seventh line, "federal regulations" and "part" should be deleted, for proper form.
5. On page 2, in section 19a-111-4(e)(1), "19a-111-3(a)(1) through 19a-111-3(a)(3)" should be "[19a-111-3(a)(1) through 19a-111-3(a)(3)] subsection (a) of section 19a-111-3 of the Regulations of Connecticut State Agencies", for accuracy.
6. On page 2, in section 19a-111-4(e), in subdivision (2), "federal regulations" and "part" should be deleted, for proper form; and in subdivision (3), "section 19a-111-4(e)(2)" should be "[section 19a-111-4(e)(2)] subdivision (2) of this subsection", for proper form.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections
	with deletions
	with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Kumi Sato / Chris Reinhart

Date: July 13, 2023

Sec. 19a-111c. Abatement of lead in dwellings. List of encapsulant products.

Regulations. (a) The owner of any dwelling in which the paint, plaster or other material is found to contain toxic levels of lead and in which children under the age of six reside, shall abate, remediate or manage such dangerous materials consistent with regulations adopted pursuant to this section. The Commissioner of Public Health shall adopt regulations, in accordance with chapter 54, to establish requirements and procedures for testing, remediation, abatement and management of materials containing toxic levels of lead. For the purposes of this section, "remediation" means the use of interim controls, including, but not limited to, paint stabilization, spot point repair, dust control, specialized cleaning and covering of soil with mulch.

(b) The commissioner shall authorize the use of any liquid, cementitious or flexible lead encapsulant product which complies with an appropriate standard for such products developed by the American Society for Testing and Materials or similar testing organization acceptable to the commissioner for the abatement and remediation of lead hazards. The commissioner shall maintain a list of all such approved lead encapsulant products that may be used in this state for the abatement and remediation of lead hazards.

(c) (1) The Commissioner of Public Health may adopt regulations, in accordance with chapter 54, to regulate paint removal from the exterior of any building or structure where the paint removal project may present a health hazard to neighboring premises. The regulations may establish: (A) Definitions, (B) applicability and exemption criteria, (C) procedures for submission of notifications, (D) appropriate work practices, and (E) penalties for noncompliance.

(2) The Commissioner of Public Health may adopt regulations, in accordance with chapter 54, to regulate the standards and procedures for testing, remediation, as defined in this section, abatement and management of materials containing toxic levels of lead in any premises.