

Economic Impact Statement

LSA Document #21-390

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**Description of the Rule**

Lead poisoning in Indiana, most often caused by exposure to chipping or flaking paint in homes, is a fixable problem affecting children across the state. Lead is defined as a neurotoxin and when it enters the body it dramatically and irreversibly affects a child's ability to learn and focus, ability to hear and speak, and healthy bone growth. There is no safe level of lead in blood. Even low-level exposure can have life-long impacts. Because lead exposure occurs most commonly in older jurisdictions with older housing stock, lead exposure disproportionately impacts minorities and communities of color who may not be able to afford safer, healthier housing.

On June 21, 2019, the U.S. Environmental Protection Agency (EPA) finalized a rule revising the Dust-Lead Hazard Standards (DLHS) from 40 µg/ft² for floors and 250 µg/ft² for window sills, to 10 µg/ft² and 100 µg/ft², respectively. As a result of this revision, risk assessors will compare dust sampling results for floors and windowsills to the new, lower DLHS from this rule.

A state, territory, or tribe with an EPA-authorized lead-based paint activities program in effect before the effective date of this rule must demonstrate that its program is at least as protective as EPA's revised DLHS no later than January 6, 2022, which is two years after the effective date of this rule. A state, territory, or tribe in the process of obtaining approval to operate an authorized program must, after the effective date of this rule, also demonstrate that it meets these requirements (See 40 CFR § 745.325(e)). EPA encourages states, territories, and tribes to work with EPA's regional office in demonstrating that its program is at least as protective as EPA's revised DLHS.

Economic Impact on Small Businesses**1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.**

There will be no small businesses subject to the proposed rule. The purpose of this rule change is to bring the definition of the DLHS into conformance with the EPA guidelines and practice.

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

There will be no annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

The proposed rule will have no annual economic impact on small businesses as they are not subject to the rule.

4. Statement justifying any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law.

The proposed rule will not impose a cost on small businesses.

5. Regulatory Flexibility Analysis

Other factors considered:

A. Establishment of less stringent compliance or reporting requirements for small businesses.

This is not applicable as small businesses are not impacted by the proposed rule.

B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

This is not applicable as small businesses are not impacted by the proposed rule.

C. Consolidation or simplification of compliance or reporting requirements for small businesses.

This is not applicable as small businesses are not impacted by the proposed rule.

D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

This is not applicable as small businesses are not impacted by the proposed rule.

E. Exemption of small businesses from part or all the requirements or costs imposed by the rule.

This is not applicable as small businesses are not impacted by the proposed rule.

Conclusion

The Indiana Department of Health has determined that the implementation of the proposed rule does not impact small businesses in any way.

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