

**06-096 C.M.R. CHAPTER 424: Lead Management Regulations
Basis Statement and Response to Comments**

September 16, 2021

Background and Purpose: The principal reason for this rulemaking is to update the rule through incorporation of revised and new regulations promulgated by U.S. Environmental Protection Agency (USEPA) regarding how lead hazards are cleared. (40 C.F.R. 745) As part of USEPA's efforts to reduce childhood lead exposure, and in coordination with the President's Task Force on Environmental Health Risks and Safety Risks to Children, USEPA reevaluated the 2001 dust-lead clearance levels (DLCL). Effective March 8, 2021, USEPA lowered the DLCL from 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) to 10 $\mu\text{g}/\text{ft}^2$ for floors, and from 250 $\mu\text{g}/\text{ft}^2$ to 100 $\mu\text{g}/\text{ft}^2$ for window sills. Conforming with the changes in the USEPA standards required changes to definitions, work practice, soil hazards and hazard handling sections of Chapter 424. Due to the extensive changes the Department proposed to repeal and replace Chapter 424.

Rule Development: On May 20, 2021, the Board of Environmental Protection voted to post the proposed rule for public comment. On June 2, the Department posted the rule to a thirty (30) day written comment period. The comment period closed on July 2, 2021. The Department received no requests for a public hearing.

Comments Received: During the comment period the Department received one comment on the draft rule. The Department has summarized this comment and provided a response below.

Summary of Comments

Commenter:

Dennis Lettre, Augusta, Maine

Comment: The commentor has property that abuts the Capitol City Rifle and Pistol Club and wondered how this rule may affect lead cleanup efforts at the shooting range. The commentor expressed a particular concern about well water and the neighboring environment.

Response: The Department finds that this comment is outside of the scope of Chapter 424 Lead Management Regulations. Chapter 424 pertains to residential and child occupied facilities and does not cover commercial operations such as a shooting range. No changes were made to the draft rule in response to this comment.

THIS PAGE INTENTIONALLY LEFT BLANK