

## Memorandum

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**TO:** Charles Moulton, Hearing Officer  
Arkansas Pollution Control and Ecology Commissioners

**FROM:** Mike Bates, Chief, Air Division

**DATE:** September 14, 2012

**SUBJECT:** Proposed Repeal of Regulation No. 25, Lead-Based Paint Activities

The Arkansas Department of Environmental Quality (“ADEQ”) proposes the repeal of Regulation No. 25, *Lead-Based Paint Activities*.

Regulation No. 25 was adopted under the authority of the Lead-Based Paint Hazard Act of 1997, at Arkansas Code Annotated (“Ark. Code Ann.”) §8-4-401 *et seq.* The 88<sup>th</sup> General Assembly of the State of Arkansas repealed the 1997 Lead-Based Paint-Hazard Act and created the Arkansas Lead-Based Paint-Hazard Act of 2011. The 2011 Act transferred authority to adopt, administer, and enforce a program for licensing lead-based paint activities, training programs, procedures, and certification requirements from ADEQ to the Arkansas Department of Health.

The Arkansas Lead-Based Paint-Hazard Act of 2011 renders Regulation No. 25 unenforceable, and removes all authority from ADEQ to oversee activities in Arkansas that are related to lead-based paint.

The proposed repeal of Regulation No. 25 will update Arkansas’s pollution control Regulations to be consistent with current State law.